CONCORDIA DISCORS,

OR THE

DISSONANT HARMONY

OF

Sacred PUBLIQUE OATHES, PROTESTATIONS, LEAGUES, COVENANTS, INGAGEMENTS, lately taken by many TIME-SERVING SAINTS, Officers, without scruple of Conscience; making a very *unpleasant Consort* in the *Ears* of our most faithfull *Oath-performing, Covenant-keeping God*, and all *Loyal consciencious Subjects*; sufficient to create a *dolefull* HELL, and *tormenting Horror* in the *awakned Consciences* of all those, who have *taken*, and violated them too, successively, without any *fear of God, Men, Devils, or* Hell.

By WILLIAM PRYNNE *Esq; a Bencher of* Lincolns-Inne.

Numb. 30. 2. *If a man vow a Vow unto the Lord, or swear an Oath to bind his Soul with a Bond, he shall not break his word, he shall do according to all that proceedeth out of his Mouth.*

Gal. 3. 15. *Brethren I speak after the manner of men, though it be but a mans Covenant, yet if it be confirmed, no man disannulleth or addeth thereunto.*

Jer. 23. 10. *Because of Swearing the Land mourneth, the pleasant places of the wilderness are dryed up, their course is evil, and their force is not right.*

Augustin de verbis Apostoli Sermo 30. Falsa Juratio exitiosa est, vera juratio periculosa est, nulla juratio secura est. Tantum mali habet juratio, ut qui lapides colunt timeant falsum jurare per lapides: Tu non times Deum præsentem, Deum viventem, Deum scientem, Deum moventem, Deum in contemptores vindicantem? Vis ergò longè esse a perjurio? Jurare noli.

Chrys. Hom. 12. in Mat. 5. Nisi juramentũ interdicatur, non possunt amputari perjuria. Nemo est enim qui frequenter jurat, & non aliquando perjuret.

London, Printed for *Edward Thomas* at the *Adam* and *Eve* in *Little Britain*, 1659.

The dissonant Harmony of sacred publick Oaths, Protestations, Leagues, Covenants, Engagements, lately taken, &c.

MAny are the publick Oaths, Protestations, Leagues, Covenants, which all English Subjects (especially Judges, Justices, Sheriffs, Maiors, Ministers, Lawyers, Graduates, Members of the Commons House, and all publick Officers whatsoever) by the Laws and Statutes of the Land have formerly taken to their lawfull *Hereditary Kings, their Heirs and Successors*, to bind their *Souls*, Consciences, to bear constant Faith, Allegiance, Obedience, and dutifull subjection to them; and to defend their Persons, Crowns, and just Royal Prerogatives, with their Lives, Members, Fortunes, against all Attempts, Conspiracies, and Innovations whatsoever. Which being almost quite forgotten by those who have formerly taken, and as frequently violated them over and over, in the highest degree, if not abjured them by contrary late *Oaths* and *Ingagements*; I shall present them in order to their own and others view, that they may conscienciously review, consider them afresh, and bewayle their perjurious atheistical violations of them, to prevent those temporal and eternal Judgments, which otherwise may and will most certainly fall upon them, & our Nation too for the same.

1. I shall begin with the antient *Oath of Fealty*, *a* which every *Person* above 14. *years* old, and every *Tithingman* was obliged to take publickly at the *Court Leet* within which he lived; and was antiently taken afresh every year by all the

a Bracton, l. 3. Tract. 2. c. 1. Britton c. 12. Lambardi, Archaion, LL. Edwardi Confessoris Lex, 35. Spelmanni Glossarum, p. 267, 268. Cook 7 Rep. Calvins case. 1 Instit. f. 64, 65, 67, 68. Fortles Magna Charta. f. 164. Kitt. f 46. Exact Collection, p. 370. Joh. Seldeni, ad Eadmerum Notæ, p. 190, 191.

the Subjects under *Edward the Confessor*, and *William the first*, in substance at least, though not in precise words.

I *A. B.* do swear, that from this day forwards, I will **be faithfull and loyal to our Lord the King, and his Heirs**, *and will bear* * *Faith and Allegiance to him of life and of Member, and of terrene honour* **against all people** *which may live and die; And that I shall neither know nor hear of any thing which may tend to their hurt or dammage, which I shall not withstand to my power.* So God me help.

* See Gratian Caus 22. qu. 5. De forma fidelitatis.

2. The second is the antient usual *b Oath of the Maiors of* LONDON, *and other Cities and Townes* throughout *England*, and of *Baylifs* or other Chief *Officers* where there were no Maiors.

b Tottles Magna Charta, f. 166. Iuramentum Majorum & Ballivorum.

'You shall swear, That you shall well and loyally serve 'the KING in the Office of Maior in the City of *London*, 'and the same City shall keep **surely and safely to the 'use of our Lord the KING of England, and of his 'HEIRS Kings of England**; and that the profit of 'the KING you shall advance in all things which belong to 'you to do; **And shall loyally preserve the Rights of the 'King, and whatsoever belongeth to the Crown** in the said 'City; **and you shall not assent to the Distresse, nor to 'the concealment of the Rights, nor of the Franchi'ses of the KING**. And where you shall know the 'Rights of the KING or his CROWN, (be it in 'Lands, in Rents, or in Franchises, or in Sutes) to be 'concealed or **substracted**, you shall do your best en'deavour to regain the same; And that if you cannot 'do it, you shall tell it to the King, or to those of his 'Counsel, of whom you are certain they will inform the 'KING thereof: And that lawfully and rightfully you 'shall treat the People of your Bailywick, and do right to 'every one, as well to Strangers as to Prives, as well to 'the Poor as to the Rich, in that which appertains to 'you to do: and that neither for Honour, nor for Riches, nor for Gift, nor for Promise, nor for favour, nor for

'for Hatred, you shall not do wrong to any one: that yon 'shall disturb no mans Right, nor shall you take any thing 'by which the KING may suffer losse, or any Right 'shall be disturbed; And that in all things which ap-'pertain to the Maior of the said City so to do, you 'shall well and lawfully demean your self. So God you 'help, &c.

The like *c Oaths* in substance were taken by all *Privy Counsellors of State*, *Sheriffs of Counties*, *Recorders of Towns*, *Escheators*, *Constables*, and other publick Officers of Justice, and by most Freemen of Corporations, in relation to the **King and his Heirs**, and the Rights of the Crown.

c Tottles Magna Charta, f. 165, 157. Claus. 35 E. 1. dorf. 7. Kitchin, f. 46. 47.

3. The third is the *d Oath of all the Judges, Barons of the Exchequer*, and Justices of the Peace, prescribed by several *Acts*, thus formed,

d 18 E. 3. stat. 4. 20 E. 3. c. 1, 2. Claus. 20 E. 1. pars 1. dor. 13. 3 R. 2. Rot. Parl. n. 38, 39, 40, 41. Rastall Iustices, 2 Rot. Parl. 25 E 3. n. 10. Cooks 3 Instit. p. 145.

Ye shall swear, That well and lawfully ye shall serve our Soveraign **Lord the King**, *and his People in the Office of Justice, and that lawfully ye shall counsell* **the King** *in his Business, and* **that ye shall not counsel nor assent to any thing which may turn him to dammage or disherison by any manner, way or colour; and that ye shall not know the dammage or disherison of him, whereof ye shall not do him to be warned by your self, or by other**: *and that ye shall do even Law and Execution of Right to all his Subjects Rich and Poor, without having regard to any Person. And that you take not by your self or by other, privilie or apertly, Gift or Reward of Gold or Silver, nor of any other thing which may turn to your profit, unlesse it be meat or drink, and of small value, of any man that shall have any Plea or Process hanging before you, as long as the same Process shall be so hanging, nor after the same cause. And that ye take no fee, as long as ye shall be Justice, nor Robes of any man great or small,* **but of the King himself. And that you give none advice or counsell to no man great or small, in no case where the King is party.** *And in case that any, of what estate or condition they be, come before you in your Sessions, with force and arms, or otherwise against the Peace, or against the forme of the Statute thereof made, to disturbe execu-*

execution of the Common-law or to menace the people, that they may not pursue the Law, that ye do their bodies to be arrested and put in prison. And in case they be such, that ye may not arrest them, that ye certifie the King of their names, and of their misprision hastily, so that thereof he may ordain a convenable remedy. And that ye by your self, nor by other privily nor apertly, maintain any plea or quarrel hanging in the **Kings Court**, *or elsewhere in the Country. And that ye deny to no man common right* **by the Kings Letters**, *nor none other mans, nor for none other cause: and in case any letters come to you contrary to the Law, that ye do nothing by such Letters, but certifie the* **King thereof**, *and go forth to do the Law, notwithstanding the same Letters.* **And that ye shall do and procure the profit of the King, and of the Crown, with all things where ye may reasonably do the same.** *And in case ye be from henceforth found in default in any of the points aforesaid,* **ye shall be at the Kings Will, of Body, Lands and Goods, thereof to be done as shall please him,** *as God you help and all Saints*, Anno 18 E. 3. Stat. 4.

The next *Oath* is that of *Supremacy*, made and prescribed to be taken by all *Judges, Justices*, Sheriffs, Maiors, Recorders, Civil and Ecclesiastical Officers, Barresters, Benchers, Graduates, Ministers, Attornies whatsoever; and all Members of the Commons House, before they ought to sit or vote therein, by the Statutes of 1 *Eliz. cap.* 1. 5 *Eliz. cap.* 1. 17 *Car. cap.* 7.

I *A. B.* do utterly testifie and declare in my Conscience, That **the Kings Highness is the only Supream Governor of this Realm, and of all other his Highness Dominions and Countries**, *as well in all Spiritual or Ecclesiastical things or causes,* **as Temporal**: *and that no forein Prince, Person, Prelate, State or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesiastical or Spiritual within this Realm; and therefore I do utterly renounce all forein Jurisdictions, Powers, Superiorities, and Authorities; and do promise* **that from henceforth I shall bear Faith and true Allegiance to the Kings Highness, his Heirs and lawfull Successors, and to my Power**

shall

shall assist and defend, all Jurisdictions, Priviledges, Preheminences and Authorities granted or belonging to the Kings Highness, his Heirs and Successors, or united and annexed to the Imperial Crown of this Realm. *So help me God, and by the Contents of this Book.*

5. The 5th. (Oath of equal Latitude and Extent, as the former of Supremacy) is that of *Allegiance*, prescribed by the Statutes of 3 *Jacobi, cap.* 4. 7 *Jac. c.* 6. 17 *Car. c.* 7 *tending only to the Declaration of such Duty as every true and well-affected Subject, not only by Bond of Allegiance, but also* by the Commandement of Almighty God ought to bear to his Majesty, his Heirs and Successors; *which Oath such as are infected* with Popish Superstition *do oppugn with many false and unsound Arguments, the just defence whereof, his Majesty* (King James) *hath heretofore undertaken & worthily performed, to the great contentment, of all his loving Subjects notwithstanding the gainsayings of all contentious Adversaries. And to shew how greatly* his Loyal Subjects did approve the said Oath, *they prostrated themselves at his Majesties feet, beseeching his Majesty that it might be enacted*, that the same Oath may be administred to all his Subjects. The words whereof are these. I *A. B. do truly and sincerely acknowledge, professe, testifie, and declare in my Conscience before God and the world, That our Soveraign Lord King* CHARLES is lawfull and rightfull King of this Realm, and of all other his Majesties Dominions and Countries: *And that the Pope, neither of himself, nor by any of the Church or See of* Rome, *or by any other means* with any other hath any power or authority to depose the King, or to dispose of any of his Majesties Kingdomes or Dominions, or to authorize any forein Prince to invade or annoy him or his Countries; or to discharge any of his Majesties Subjects of their Allegiance and Obedience to his Majesty; or to give licence or leave to any of them to bear Arms, raise tumult, or to offer any violence or hurt to his Majesties Royal Person, State or Government, *or to any of his Majesties Subjects, within his Majesties Dominions. Also, I do swear from my heart, that notwithstanding any Declaration or sentence of Excommunicati-*

on or deprivation made or granted by the Pope, or his Successors, or by any Authority derived, or pretended to be derived from him, or his See, against the said King his Heirs or Successors, or any absolution of the said Subjects from their obedience: I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise, and will do my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors, all Treasons and traiterous Conspiracies, which I shall know or hear of to be against him, or any of them. *And I do further swear,* That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable Doctrine and Position, That Princes which be excommunicated by the Pope, may be deposed or murthered by their Subjects, or any other whatsoever. And I do believe, and in Conscience am resolved, that neither the Pope, nor any person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully administred unto me, and do renounce all Pardons and Dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear, according to the expresse words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And I do make this Recognition and Acknowledgement heartily, willingly, and truly, upon the true Faith of a Christian *So help me God.*

6. To these Oaths I shall subjoyn the c *Protestation,* made and taken (in pursuance of these *Oaths*) by all the Well-affected Members of the *Lords, and Commons House of the last long Parliament, and voluntarily taken by all the best affected people throughout the Realm,* and by all, or most Officers and Souldiers of the Army; by their Authority.

c See Exact Collection, p. 278, 296, 337, 340, 342, 361, 367, 491, 498, 522, 523, 665, 770, 828, 839.

Die

Die Mercurii, 5 *Maii*, 1641.

We the Knights, Citizens, and Burgesses in the Commons House of Parliament, finding to the great grief of our hearts, that the designs of the Priests and Jesuites, and other Adherents to the See of *Rome*, have of late been * more boldly and frequently put in practise than formerly to the undermining, and danger of the ruine of the true reformed Protestant Religion in his Majesties Dominions established: And finding also that there have been, and having just cause to suspect that there still are, even during this sitting in Parliament, * endeavours to subvert the Fundamental Laws of *England* and *Ireland*, and to introduce the exercise of an Arbitrary and Tyranical Government, by most pernicious and wicked Counsels, Practises, Plots and Conspiracies: And that the long intermission, and unhappy breach of Parliaments, hath occasioned many illegal Taxations, whereupon the Subject hath been prosecuted and grieved: And that divers Innovations and Superstitions have been brought into the Church, multitudes driven out of his Majesties Dominions; jealousies raised and fomented betwixt the King and his people; a Popish Army levyed in *Ireland*, and two Armies brought into the bowels of this Kingdom, to the hazard of his Majesties Royal Person, the * consumption of the Revenues of the Crown and Treasure of this Kingdom: And lastly, finding a great cause of Jealousie, that endeavours have been, and are used to bring the English Army into a Mis-understanding of this Parliament, thereby to * incline that Army, with force to bring to passe those wicked Counsels, have therefore thought good to joyn our selves in a Declaration of our united Affections and Resolutions, and to make this ensuing Protestation.

* And have they not been so more since and now, then ever before?

* As since and now, by doubled illegal Taxes, Excises, High Courts of Justice, Arbitrary Junctoes, and their new Knacks.

* Now quite sold and consumed.

* Have they not since that in 1648. and now again effected it?

I *A. B. do in the presence of Almighty God, promise, vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed Protestant Religion, expressed in the Doctrine of the Church of* England, *against all Popery and Popish Innovations within this Realm, contrary to the same Doctrine*, and according to the duty of my Allegiance, His Majesties Royal Person, Honour and Estate; as also the power and privilege of Parliament; The lawfull Rights and Liberties of the Subject, *and every person that maketh this Protestation, in whatsoever he shall do in pursuance of the same. And to my power, and as far as lawfully I may, I will oppose, and by all good wayes and means endeavour to bring to condigne punishment, all such as shall either by force, practise, counsels, plots, conspiracies, or otherwise, do any thing to the contrary in this present Protestation contained. And further, that I shall in all just and honourable waies endeavour to preserve the Union and Peace*

 between

between the three Kingdoms of England, Scotland, *and* Ireland; *And neither for hope, feare, nor other respect, shall relinquish this Promise, Vow, & Protestation.*

7. The next in time, is the *Solemn League and Covenant*, taken in the most solemn manner *with hands lifted up to heaven*, and subscribed by all Members of *Parliament*, in *England* and *Scotland*, by all *Civil, Military Officers, Souldiers* and well-affected *persons* in our three *Kingdoms*, by *f* sundry special *Ordinances* of *Parliament*; approving and ratifying the same.

f A Collection of Ordinances, p 327, 359, 390, 399, 404, 416, 420, to 428. 458, 459. 606. 690. 701. 751. 768, 769. 798. 802, 803. 806, 807, 808, 878, 879, 889.

¶ A Solemn League and Covenant for Reformation and defence of Religion, the Honour and Happiness of the King, and the Peace and Safety of the three *Kingdoms* of *England, Scotland,* and *Ireland.*

WE *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts, in the* **Kingdoms** *of* England, Scotland, *and* Ireland, *by the Providence of God living under* **one King**, *and being of one Reformed Religion, having before our eyes the glory of God, and the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the* **honour and happiness of the Kings Majesty, and his Posterity**, *and the true Publique Liberty, Safety, and Peace of the* **Kingdoms**, *wherein every ones private condition is included; and calling to minde the treacherous and bloudy plots, Conspiracies, Attempts, and practises of the Enemies of God, against the true religion and professors thereof in all places, especially in these three kingdoms ever since the reformation of Religion, and how much their rage, power, and presumption are of late, and at this time increased and exercised; whereof the deplorable estate of the Church and kingdom of* Ireland, *the distressed estate of the Church and Kingdom of* England, *and the dangerous estate of the Church and Kingdom of* Scotland, *are present and publike Testimonies; We have now at last, (after other means of Supplication, Remonstrance, Protestations and sufferings) for the preservation of our selves and our religion from utter ruine and destruction, according to the commendable practice of these kingdoms in former times, and the Example of Gods people in other Nations; after mature deliberation, resolved and determined to enter into a mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with hands lifted up to the most high God, do swear,*

I. That

I. THat we shall sincerely, really and constantly, through the Grace of God, endeavour in our several places and callings, the preservation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worship, Discipline and Government, according to the Word of God, and the Example of the best Reformed Churches; And shall endeavour to bring the Churches of God in the three Kingdoms, to the nearest conjunction and uniformity in Religion, Confession of Faith, Form of Church-Government, Directory for Worship and Catechising; That we and our posterity after us, may as Brethren, live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II. That we shall in like manner, without respect of persons, indeavour the extirpation of Popery, Prelacy, (that is, Church-Government by Arch-Bishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy) Superstition, Heresie, Schisme, Profaneness, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godliness; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one, in the three Kingdoms.

III. We shall with the same sincerity, reality, and constancy, in our several Vocations, endeavour with our estates and lives, mutually to preserve the Rights and Privileges of the Parliaments, and the Liberties of the Kingdoms, and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true Religion, and Liberties of the Kingdoms; that the world may bear witness with our consciences of our Loyalty, and that we have no thoughts or intentions to diminish his Majesties just power and greatness.

Quere, whether this be not violated in every branch in the highest degree?

IV. We shall also with all faithfullness endeavour the discoverie of all such as have been, or shall be Incendiaries, Malignants, or evil Instruments, by hindering the reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, making any Faction or parties amongst the people, contrary to this League

and Covenant, that they may be brought to publike trial, and receive condigne punishment, as the degree of their offences shall require or deserve, or the **Supreme Judicatories of both Kingdoms** respectively, or other, having power from them for that effect, shall judge convenient.

V. And whereas the happiness of a blessed Peace between these Kingdoms, denied in former times to our Progenitors, is by the good providence of God granted unto us, and hath been lately concluded, and setled by both Parliaments, we shall each one of us, according to our place and interest, indeavour that they may remain conjoyned in a firm peace and union to all posteritie; And that Justice may be done upon the willfull opposers thereof, in manner expressed in the precedent Articles.

VI. We shall also according to our places and callings in this common cause of Religion, Liberty and peace of the Kingdoms, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and **shall not suffer our selves directly or indirectly by whatsoever combination, perswasion, or terror, to be divided, and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms, and the honour of the King;** but shall all the dayes of our lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power, **against all Lets and Impediments whatsoever**; and what we are not able our selves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed; **All which we shall doe as in the sight of God.**

And because these Kingdoms are guilty of many sins and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; we professe and declare before God and the World, our unfeined desire to be humbled for our own sins, and for the sins of these Kingdoms, especially, that we have not as we ought, valued the inestimable benefit of the Gospel, that we have not laboured for the purity and power thereof,

and

that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and Transgressions, so much abounding amongst us; And our true and unfeigned purpose, desire, and indeavour for our selves, and all others under our power and charge, both in publique and private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real Reformation, that the Lord may turn away his wrath and indignation, and establish these Churches and Kingdomes in truth and peace **And this Covenant we make in the presence of Almighty God the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed.** *Most humbly beseeching the Lord to strengthen us by his Holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian Churches groaning under, or in danger of the yoke of Antichristian tyranny, to joyn in the same, or like Association and Covenant, to the glory of God, the enlargement of the Kingdom of Jesus Christ,* **and the peace and Tranquility of Christian Kingdoms and Commonwealths.** Subscribed by *William Lenthal* Speaker, Sir *Henry Vane junior*, and most now sitting.

Yet notwithstanding all these most solemn, sacred, legal Oaths, this Protestation, *Solemn League and Covenant*, sweetly according with and ratifying each other, the remaining *Fragment of the Commons House*, sitting under the power of the *Army*, not only violated them all in the *Highest degree*, by their proceedings against the late **King, his Heirs and Successors** to *the Imperial Crown, the Royal posterity*, **Kingship, Kingdom**, *Lords House*, and their secluded fellow Members, but also took upon them to suppress and set aside these Oathes, yea to brand and stigmatize them, for **Unlawfull Oathes**; to absolve themselves, with all others from them; and to set up an **Engagement** of their own framing, in diametrical Opposition against all and every of them, imposed on all the three Nations with strictest severity, by their *New Knack* of 6. September 1649. disabling *all Freemen of this Nation to sue in any Court of Justice whatsoever, or to enjoy any Civil, Ecclesiastical or Military Office, benefice, augmentation,*

augmentation, trust, or degree of Learning in the Universities or Inns of Court, and debarring all Lawyers, Attornies from their practice, by a new kinde of *Præmunire*, who should not take and subscribe this *Engagement*: which the whole House of *Commons* (having not the least legal Power to *g administer any usual Oath* to Witnesses, or any person whatsoever in any case or Age,) had neither Authority nor Power to impose upon the Nation, were it consonant to the precedent *Oaths, Protestation, Covenant* much less then the *Unparliamentary Conventicle, sitting after the Kings beheading, the Lords and Majority of the Commons forcible seclusion, and the h Parliaments actual dissolution thereby*; when diametrically repugnant to all these legal Oaths, and to the Petition of Right it self, 3 *Caroli*, complaining, providing against the future administring of **any Oath not warrantable by the Laws and Statutes of this Realm**, in precise Terms; and whether this Engagement, be not such, let all Lawyers, Divines, and consciencious *Englishmen* resolve.

g Exact Collection, p. 769. Exact Abridgement of the Records in the Tower, p. 157. 176. 454. See Oath in the Table.

h See my True and perfect Narrative, p. 22 to 40. 92.

I do declare and promise, That **I will be true and faithfull to the Common-wealth of England, as it is now established, without a King or House of Lords!**

All the Officers, Souldiers of the *Army*, and Garrisons through *England* and *Ireland*, were the first men who subscribed it, and returned their Subscriptions in Parchment-Rolls to their *Journey-men* and *Creatures* at *Westminster*; who thereupon thought themselves and their Government, (though founded upon *Blood, Treachery, Perjury*,) as lasting and perpetual, as if it had been founded on a *Rock*, and the sincerest Principles of *Piety, Justice, Righteousness*, and *general publick National consent*. But those very first *Engagers* to them, when they had done their *Drudgery*, and oppressed the Nation with doubled and trebled Taxes to support their bloody wars by Land and Sea against their *Protestant* King, and Brethren of *Scotland* & the *Netherlands*, on the 20th. of *April* 1653. sodenly turned them out of Doors, and power, with force and highest contempt, *as persons wholy perverting the ends of Parliament, oppressing the people, making Gain the main of their Business, and utterly impossible in that corrupt estate, in the judgements of the most moderate men to become*

i The true state of the case of the Common-wealth, p. 9, 11.

some the instruments of our long desired Establishment. And then setting up *a Protector* over their *Infant Common-wealth much* against their wills, *the Mock-Parliament* under him (whiles above 150 *Members* duly elected, most confided in by the Country were forcibly secluded) by their Additional Petition and Addresse, the 26th. of *June* 1647. imposed this *new Oath* on all Counsellors of State, and Members of Parliament:

I *A. B. do in the presence of God Almighty promise and swear, That to the uttermost of my Power I will uphold and maintain the true reformed* Protestant Religion, *in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament, and encourage the* Profession *and Professors of the same. And* **that I will be true and faithfull to his Highnesse the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging as chief Magistrate thereof.** *And* **shall not contrive, design or attempt any thing against the Person or lawfull Authority of the Lord Protector;** *shall keep secret all matters that shall be treated of in Counsel, and put under secrecy, and not reveal them but by Command, or consent of his Highnesse, the Parliament, or the Counsel; and shall in all things faithfully perform the trust committed to me; as a Counsellour, according to the best of my understanding, in order to the good Government, peace and wellfare of these Nations. And shall endeavour as much as in me lyes, as a Member of Parliament, the preservation of the Rights and Liberties of the People.*

These Oaths were sworn (by many of those, who had taken the premised *Oaths, Protestation, Solemn League and Covenant, and the Engagement* too,) both to their Protector *Oliver* and his *Son Richard*, with whom the Army-Officers, Souldiers, and sundry others in the name of most Counties and Corporations of *England*, *Scotland*, and *Ireland*, in their special Addresses to *Richard*, faithfully promised to live and die: yet lo within few Months after, notwithstanding these *Oaths* and *Addresses*, by a miraculous Divine providence (admirable in all considerate mens eyes) they not only all deserted, but degraded him from his *Protectorship*, without one *stroke*, or *drop of blood spilt*, or Sword

drawn

drawn in his quarrel; after so much Christian bloud shed, so many Millions of Treasure spent, and many years travel, care, by his Father *Oliver*, to establish his *Posterity* in this new-erected Supremacy, Protectorship; and that by his own *Army-Officers*, and nearest, most *endeared Relations*, even in a moment, beyond all probability or possibility in humane apprehension.

To accomplish this strange unexpected work, the *Army's Officers* called in the old *Unparliamentary Iuncto* sitting since the year 1648. till *April* 20. 1653. whom they formerly dissolved and unparliamented, secluding all the rest of the old Parliament sitting till *December* 6. 1648. by force and armed guards, with the whole House of Lords, recreating them alone for a *Parliament*: who usurping to themselves the name and power of a *Parliament*, against both Law, Equity, Reason; dismounted his Son *Richard* from his *Protectorship*, unlorded, degraded his *New other House* of *Mushrom Lords*, and new dubbed *Knights*, cashiered some of the *Army-Colonells*, and other *Officers*, who helped to make them a *Parliament*, & him a *Protector*; and may gratifie the rest in this kinde; Commissioned some, whom *Oliver* cashiered; turned most of his Council, Commissioners, Judges, Creatures out of their Offices; and pulled down most of that he set up with force and blood. Who now thinking themselves secure, and forgetting all their former, with these late sodain *Revolutions*, *Changes*, as the just rewards of perfidious *breaches of Oaths*, *Protestations*, *Covenants* to their lawfull Soveraigns, they hav now afresh to make us a *Free State*, not only doubled our former Taxes in *effect*, and more than trebled them by a most *arbitrary new Militia on many*, but also by a *New Bill*, appointed an *Oath to be taken by their Iudges, Iustices of the Peace*, and other Officers, in form following.

You shall swear, **That you shall be true, faithfull and constant to this Commonwealth, without a single Person, Kingship, or House of Lords.**

Which ‖ *illegal Oath*, so diametrically contrary to the former, if swallowed by their unarmed Judges, Justices, and other civil Officers out of fear, will in time be imposed on the Army Officers, Soldiers, and all others, as their former *Ingagement* was, with as severe penalties.

‖ uramenta illicita, iurari, et iurata servari non debent. Gratian Causa 22. qu. 4. throughout.

Having

Having presented you with these contradictory, repugnant, irreconcileable Oathes, Protestations, Covenants and Engagements, I shall propose some few cases of conscience upon them, in this age, when *Conscience* is so much pretended, and *Liberty of Conscience* so much *pressed*, that tendernes of *Conscience*, and *Conscience* it self, are hardly to be found in the greatest pretenders to them.

1. Whether all lawfull sacred Oaths, Vowes, Covenants, Protestations. doe not *i* firmly, immutably, inviolably bind the souls, consciences, of all that take them, to an *absolute*, indispensible, sincere, faithful performance, and strict observation of them, to the uttermost of their power in all estates and conditions, as is evident by Numb. 30. 2. to 14 Josh 9.19,20. Gal.3.15 Deut.23.22,23. Judg.11.30.39. Job 12.27 Ps. 15. 4. Ps. 22.25 Ps.61.8. Ps.66.13. Ps.116 14,18 Ps.13[illegible] 2, 3, &c. Eccles. 5. 4. Jer. 44. 25 Jonah 2 9. Isay 19. 21. Nah. 1. 15. Gen. 21. 23, 24, 31. c. 24. 3. to 10. 37. to 47. c 26. 3 31. c. 47. 31, c. 50 5, 6 Levit. 19. 12. Josh. 2. 12 17. 20. Judg. 15. 12, 13. Deut. 8. 11. Josh. 21. 43, 44. 1. Kings 1. 13. 17. 29, 30. 2 Chron. 36. 13. Ezra 10. 5. Neh. 13. 25. Jer. 4. 2. c 11. 5. Mat. 5. 33. 1 Kings 15. 3, 4, 5. 2 Chron. 21. 5, 6, 7. compared with Hebr 6 16, 17, 18. *An Oath for confirmation is to men an end of all strife: wherfore God willing more abundantly to shew unto the heirs of promise* **the immutability of his Counsel, confirmed it with an Oath**, *that by two* **Immutable things** (his Oath and Covenant) *in which it is* **impossible for God to lie**, *we might have strong consolation*, Ps. 89. 3. 34. *I have made a* **Covenant** *with my chosen, I have* **sworn** *unto David my Servant.* **My Covenant will I not break, nor alter the thing that is gone out of my lipps.** *Once have I* **sworn** *by my holiness* **that I will not lie unto David**, Ps. 132. 11. *The Lord hath* **sworn in truth unto David, he will not turn from it.** Jer. 33. 20, 21. *Thus saith the Lord, If you can break my* **Covenant** *of the day, and my* **Covenant** *of the night, and that there should not be day and night in their season. Then may also* **my Covenant be broken with David** *my Servant, that he should not have a Son to reign upon his throne.* If *Gods Oaths* and *Covenants* to mortal sinful men be thus true, *constant, sincere, firme, unalterable, immutable*; then by like

i St. Aug. de Verbis Apostoli, Serm. 30. Gratian, Caus. 22. qu. 1, 2, 5. Grotius de Jure Belli & Pacis, l. 2. c 13. Jusjurandum habetur apud omnes ultimum atque firmissimum & fidei mutuæ & veracitatis pignus. Procopius Persicorum l. 1. ultima fides inter homines tum Græcos, tum Barbaros, quam nulla deserit aras, est ea quam per jurata pacta spondentes adhibet Deos. Dionys. Hallicarnass. Antiqu. Rom. Nullum Vinculum ad adstringendam fidem, majores nostri Juramento arctius esse voluerunt. Cicero Offic. l. 1.

reason

reason should *mens Oaths* and Covenants to God and their *lawfull Kings be such*, as Psal. 15. 4. Eccles. 8. 2 Gal. 3. 15. Levit. 30. 2. to 14. and the other forecited Texts resolve.

2ly. Whether the late *violation* through fear, or self-respects, much more *the wilfull* **justification**, *perjurious repeal, abrogation, abjuration of our* sacred lawful Oaths, protestation, *Covenant*, be not a k *most detestable, crying, scandalous, damning sin, exceedingly dishonorable to God, injurious to Religion; & drawing down sad, private, personal and National judgements, on those who are notoriously guilty thereof*, as is most apparent by Ezech. 16. 59. c. 17. 13. to 27. Zech. 8. 17 c 5. 3, 4. Hos. 10 4. Lev. 6. 3, 4. c. 19. 12. Prov. 24. 21, 22. Jer. 5. 2. c. 7. 9. to 17. c. 34. 8. to 22. c. 52. 3, 4. Deut. 31. 20. c. 9. 20. to 29. Ps. 78. 10. 37. 57. to 65. 2 Chron. 36. 13. Josh. 9. 20. 2 Sam. 21. 1. to 11. Jer. 23. 10. Rom. 1. 31, 32. 1 Tim. 1. 10. worthy sad and serious perusal. And whether those who are deeply guilty of these sins, can ever expect to enter into heaven, since this is made the special character of a Citizen of *Zion*, *Who shall dwell in Gods holy hill*, Psal. 15. 1, 2, 4. *He that walketh uprightly and worketh righteousness, and speaketh the truth from his heart*, **He that sweareth to his own hurt and changeth not**, much more then when for his own and the publick good.

k S. Augustin, Gratian, & Grotius: Ibidem. Cælius Rhodiginus Lectionum Antiq. l. 21. c. 15.

3ly. Whether those who have made, taken, and equally violated all or most of these contradictory *Oaths, Protestations, Covenants, Ingagements* alike, be not *perjured persons, and Covenant-breakers in folio*, void of all real fear of God, truth, faith, conscience, honesty, religion, if the premised Scriptures, or Eccles. 9. 2. Acts 5. 3, 4, 5. may be credited? And whether those who have been thus perfidious, perjurious, fidefragus, treacherous to all others, can in point of justice, conscience, prudence, policy, impose an Oath upon all or any others, *to be true, faithfull and constant, in their Oaths, Covenants, trusts and obedience unto them*? (especially before themselves have taken any such Oath, *to be true, faithfull, constant* to their own *principles, or any fixed setled Government:*) since they have taught them to be *treacherous, perfidious, disloyal*, by their own precedent examples; and God himself hath denounced this *Wo*, and retaliation against such, Isay 33. 1. *Wo unto thee that dealest treacherously, and they dealt not treache-*

rously with thee; when thou shalt make an end to deal treacherously, they shall deal treacherously with thee. Which we have seen verified of late in sundry particulars even to admiration, by divine retaliation, to deterr all henceforth from the dangerous sin of *Perjury, Treachery, Oath and Covenant breaking.*

4ly. Whether it be not a most implous, unchristian, execrable, if not Atheistical practice, for any persons whatsoever (especially without any colour of Parliamentary Authority) to impose any Oath, Vow, or illegal Ingagement upon others, diametrically repugnant to, inconsistent with their former legal Oaths, Protestations, Covenants, imposed on them by unquestionable Parliamentary Authority, to their lawfull Soveraigns, to ensnare, wound their Consciences, and involve them in the guilt of unevitable, most apparent * *Perjury*, and breach of all their former *Oaths, Protestations, Covenants*? And whether such incur not that wo in *Isay* 10, 1, 2, 3. "Wo unto them that decree unrighteous decrees, and that write grievousnesse, which they have "prescribed, to turn aside the needy from Judgement, to "take away the right from the poor, (*exiled Royal Issue*) "and that they may rob the Fatherless; And what will ye do "in the day of Visitation, and in the desolation which shall "come from far? to whom will ye flee for help, and "where will ye leave your glory? If *Ababs* and *Jesabels* "suborning of false Witnesses against *Naboath* to gain his "Vineyard, who attested, that *Naboath* did blaspheme God "and the King, brought such a heavy doom upon their "persons and royal Posterity, to their utter extirpation. 1 *Kings* 1. 21, & 22. how much sorer judgements shall they incur, who shall endeavor to make our whole 3. Kingdoms perjured in the highest degree, by ingaging them *to renounce, blaspheme* both *God and the King*, & abjure their former Oaths, Covenants, Protestations, of purpose to disinherit the royal Posterity of their Crowns and Royalties, which they have so precisely sworn, protested, covenanted over and over, inviolably to defend and preserve?

* Qui perjurare compellit et qui compellitur utrique sunt perjuri & homicidæ: Dominus quia præcepit, Miles quia plus Dominum quam Deum & animam suam dilexit. Gratian Caus. 22. qu. 5. Augustin, Serm. 30. de verbis Apostoli.

5ly. Whether it can be just, equitable, prudential, rational, for any in present power, to Commission, intrust, imploy *Anabaptists, Quakers*, with other *Military Officers, Soul-*

diers by Land and Sea, without prescribing any Military *Oath* unto them, (after so many mutinies, and violations of their trusts to the late King, Parliament, and other new Governours, Governments of their own erecting, to their total subversion) *to be true, faithfull, obedient, and constant to them*; contrary to the *Discipline of all former Ages amongst the Romanes, Græcians, and most other Nations*, who alwaies *imposed a Military Oath on all their Army Officers, Souldiers*, (warranted by 2 *Tim.* 2, 3, 4.) And in the mean time, to inforce such *a Oath* upon all their *Judges, Justices*, and Civil Officers, against their Judgements, Consciences, who are *Orthodox in Religion*, approve of lawfull *Oaths*, (*imposed by legal Authority of Parliament*) *Magistracy, and Ministry*, which *Anabaptists, Quakers*, and other *Sectaries* professedly oppugn, and now violently endeavour to suppresse? And whether those now sitting, or any others who have taken the forecited *Oaths* to the late King and his Heirs, or the *Protestation, League, and Covenant*, can without *apparent perjury*, and direct violations of them, repute those few Reliques of the old Parliament, now sitting (forcibly secluding the Lords and Majority of their Fellow-Members) to be a lawfull Parliament within the Statute of 17 *Car.* c. 7? or submit to any Oaths, Taxes, Edicts of theirs as Parliamentarie or legal?

*See vegetius de Re militari, l. 2. Alexander ab Alexandro. Genial Dierum, l. 1. c. 21. l. 6 c. 23. Calvini Lexicon Juridicum: Tit. Juramentum Militare, Fr. Connanus, l. 5. c. 3. Grotius de Jure Belli, l. 1. c. 2.

6. Whether the forecited Oaths of *Supremacy, Allegiance, Maiors, Sherifs, Judges, Recorders, Bayliffs, Parliament-Members*, and others, in direct words, extending not only to the late Kings person, but **his Heirs and Successors**, do not inviolably bind both them, their Posterities and our whole three Nations, Kingdoms in perpetuity, in point of Law and Conscience, so long as there is any Heir of the Crown and Royal line in being? and that upon these unanswerable Scriptural presidents and legal considerations.

1. Because Gods Oath and Covenant made to *Eve, Abraham, Noah, their Seed and Posterity*, and to the *Israelites and their children, and their Covenant made to God, by Gods own resolution, did oblige God himself and them in perpetuity from Generation to Generation*, Gen. 3. 15. c. 8. 21, 22. c. 9. 1, to 17. c. 13. 16. c. 15. 18. c. 17. 2, to 22. c. 21. 13. c. 24. 7. c. 28. 4, 13, 14. Exod. 28. 43. c. 34. 7. Levit. 22, 3, 4. Numb. 14. 24. c. 18.

19.

19. c. 25. 12, 13. Deut. 1. 8. c. 4. 31, 37. c. 5. 2, 3. c. 7. 9, 10, 11. c. 8. 18. c. 11. 9. c. 28. 46. c. 29. 1. 4, to 20. c. 30. 6, 9. c. 31. 21. c. 34. 4. Josh. 7. 11, 15. c. 24. 3, to 29. 2 Chron. 20. 7, 8. Neh. 1. 5. c. 9. 8, 32. Ps. 25. 13. Isay 34. 5. c. 44. 3. c. 59. 21. c. 61. 8, 9. c. 62. 22. Mal. 2. 4, to 15. c. 4. 6. Acts 2. 39. c. 3. 25. c. 7. 5, 45. c. 13. 23. Rom. 4. 13, 16. c. 9. 7, 8. c. 11. 1, 2, 27. Gal. 3. 16. to the end. Heb. 8. 6, to 11. c. 11. 18. c. 13. 20. Lu. 1. 72, 73. Rev. 12. 17. Levit. 26. 9, 15, 25, 42, 44. 2 Kings 17. 15, to 41. Psal. 44. 17, 18. Ps. 78. 10. 38. Ps. 89. 3. 4, 5, 34, 35. Ps. 103. 17. 18. Ps. 105. 8, 10. Ps. 111. 5, 9. Isay 24. 5. c. 42. 6. c. 49. 8. c. 54. 3. Jer. 11. 2 to 12. c. 22. 9. c. 31. 31, 32, 33. c. 29. 10 to 20. c. 33. 20, 21. c. 50. 5. Ezech. 16. 60 62. c. 37. 28, 29. c. 44. 4. Hos. 8. 1. Heb. 6. 16, 17. Therefore mens Oaths, Covenants to Kings and their Posterity, must likewise bind in succession and perpetuity.

2ly. Because Gods Oath and Covenant made *to David, and to his House, Royal Seed and Posterity, touching their succession in the Royal Throne of Iudah*, was hereditary, successive, extending to all his Issue and Posterity: and though many of them were wicked, rebellious, yet this did not cause or provoke God to dethrone, or disinherit them, or infringe his Oath and Covenant to *David*, 2 Sam. 3. 12 to the end. c. 22. 51. 1 Kings 2. 33. Psal. 89. 2, 3, 33, to 38. Ps. 132. 11, 12, 13. Ps. 18. 50. Jer. 33. 17, 19, 20, 21. 1 Chron. 28. 4, to 10. Jer. 17. 24, 24, 25, 26. 1 Kings 11. 12, 13, 36, 39. 2 Kings 8. 9. 2 Chron. 21. 5, 6, 7. 2 Chron. 23. 3, &c. Jer. 23. 4. 5. Zech. 9. 9. John 13. 13, 15. Lu. 1. 32, 33. Therefore much more where Oaths, Covenants are made by Subjects to their Hereditary Kings and their Posterity, they must remain inviolable, and not be abrogated by their transgressions.

3ly. Because *the Oath, which* Joseph *took of his Brethren, the children of Israel, to carry up his Bones, out of* Ægypt *into* Canaan, *when God should bring them out of* Ægypt, *Gen.* 50. 24, 25. though not made precisely for them and their Posterity, was reputed by *Moses* and them, to be obligatorie to their seed, as if made by them, even in point of Conscience: as is evident by *Exod.* 13. 19. *And Moses took the Bones of Ioseph with him*, (though driven out of *Egypt* by *Pharoah* in haste) **for he had straitly sworn the Children of Israel**, saying, *God will surely visit you, and you*

shall

shall carry up my bones hence with you. Which bones of his they (by vertue of this Oath) notwithstanding *Pharoahs* pursuit after them, carryed along with them through the red Sea, and through the wilderness forty years, and through the Land of *Canaan*, till they had quite conquered it, notwithstanding all their wars, *Iosh.* 24. 32. near 500 *years* after this Oath first made. If then *Moses*, *Iosbua*, and all the *Israelites* held themselves thus conscienciously obliged by the Oath of their deceased Ancestors above four hundred years before, to carry up *Ioseph's* dead bones out of *Ægypt*, notwithstanding all Objections of hast and danger from *Pharoah* and his Host, their forty years wandring in the wilderness, their wars in *Canaan*; and meanesse of the matter in relation to their publick safety, no wayes concerned in it. Then much more must our Ancestors, and our own particular reiterated Oaths in precise terms to our Kings, their Heirs and Successors, which so much concern our publick Government, Peace, Settlement, Safety, Prosperity, engage our whole Kingdom and three Nations to a consciencious observation of them to the uttermost of their power.

4ly. Because *Davids* Oath to *Saul* and *Jonathan* extended to their *seed*, 1 *Sam.* 24. 21, 22. "Swear now therefore unto "me by the Lord, that thou wilt not cut off **my seed** after "me, and that thou wilt not destroy my name out of my Fa-"thers House: And *David* swore unto *Saul*: 1 *Sam.* 20. 14, "to 18, 42. And *Jonathan* said to *David*, thou shalt not only "while I yet live shew me the kindnesse of the Lord, that I "die not, but also, **thou shalt not cut off thy kindnesse** "**from my House for ever**, no not when the Lord hath cut off "the Enemies of *David*, every one from the face of the Earth. "So *Jonathan* made a Covenant WITH THE HOUSE OF "DAVID; And *Jonathan* caused *David* **to swear again**, be-"cause he loved him. And *Ionathan* said to *David*, go in "peace, for as much as **We have sworn both of us in the** "**name of the Lord**, saying, the Lord be beeween thee and "me, and **between thy Seed and my Seed for ever**. How conscienciously *David* observed these Oaths after the deaths of *Saul* and *Ionathan*, is apparent, not only by his *love*, *favor*, *and affection to Mephibosheth for* Jonathans *sake*, *whom he re-*

stored

stored to all that was Sauls, *& made him eat continually at his Table,* 2 Sam. 9. 1. &c. *and by his slaying of* Baanah *and* Rechab *for murdering* Ishbosheth, Sauls *son, his Competitor, when they brought his head unto him, expecting a great reward,* 2 Sam. 4. But more especially *by his sparing* Mephibosheth, *the Son of* Jonathan, *the son of* Saul, **because of the Lords Oath that was between them,** *between* David *and* Jonathan, (extending to their seed and posteritie) *when the* Gibeonites *demanded 7. of the sons of Saul to be delivered up to them,* 2 Sam. 21. 5, 6, 7.

5. Because Hither 9. 27, 28, 31. *The* * *Iews ordained and took upon them and* **upon their seed, and upon all such as joyned themselves unto them, so as it should not fail,** *that they would keep these two dayes of Purim, according to their writing, and according to their appointed time every year* (as those in the Parliament of 3 Jac. c. 1. and their Posteritie *have observed the* 5 of *November annually ever since*) *and that those dayes should be* **remembred and kept throughout every Generation, every Family, every Province, and every City**: *and that those dayes of Purim should not fail from among the Iews,* **nor the memorial of them perish from their seed: which they decreed for themselves and for their seed.** If the whole Nation of the Jewes by an Ordinance and Decree, might thus binde their seed, posterity, to observe the daies of *Purim for ever*: With like reason they might by an Oath & Covenant oblige themselves and their posteritie for ever to their hereditarie Kings, their heirs and posterities for ever: And so may we and all other Nations, by the like Acts, Decrees, and the forecited Oathes, as is clearly resolved, declared, enacted by the Statutes of 25 H. 8. c. 22. 26 H. 8 c. 1. 28 H. 8. c. 3. 35 H. 8. c. 1. 1 Eliz. c. 1. 3. 5 Eliz. c. 1. 1 Jac. c. 1. 3 Jac. c. 4. 7 Jac. c. 6.

* See Levit. 23. 41.

6ly. Because the president of the *Rechabites*, (who upon the command of their Father *Ionadab* the son of *Rechab*, *That* **neither they nor their Sons for ever should drinke Wine,** *nor build house, nor sow seed, nor plant, nor have any vineyard, but dwell in tents all their dayes; held themselves bound in duty, conscience to obey it, which God himself commends, records, rewards, for others imitation,* Jer. 35. 1. to 15. *who might in like sort oblige them by his Oath and Covenant*;) Is a convincing

Argument,

gument that as the * *Warranties, Covenants, Bands, Contracts, Feofments, Grants, Reservations of Rents, Services, Tenures in fee,* by the Laws of *England*, and other Nations, firmly oblige mens *Heirs, Posterity, Assignees, Executors, Administrators, on both sides in succession and perpetuity*; So likewise their Oaths, Covenants, Protestations, to their hereditarie Kings, their Heirs and Successors, oblige them equally to them in perpetuity and succession.

* Littleton, Fitzh. Brook, Ash, Tit. Warranty, Covenant, Obligation, Condition, Tenure.

7ly. Because it is most evident by *Gen.* 3. 14, 15. c. 45. *Exodus* 17. 16. c. 20. 5. c. 43. 7. 1 *Kings* 2. 33. 2 *Kings* 5. 27. *Jer.* 22 30. c. 36. 31. That Parents by their iniquities and transgressions may draw down and entayl the curses, the judgements of God on them, and their Posterityes after them to their prejudice: Therefore they may much more oblige them by their Oaths, Covenants, to Obedience, Loyalty, Subjection to their hereditary Kings and their Heirs, for their own particular, and the *m Publick good, safety,* as well as Freehold and Copyhold Tenents in Honors, Manors, may oblige themselves, their Heirs and Successors for ever, by Homage, Fealty, Tenures, Contracts to their Landlords, their Heirs and Assignees for ever, by the Common, Statute-laws, of our own and other Realms, though they be no Soveraign Lords and Kings over them.

m Prov. 24. 20. 21. Rom. 13. 3. 4, 5, 6. 1 Tim 2. 2, 3. 1 Pet. 2. 13. 14.

8ly. Because the *Saints and Churches of God* in all *Ages* have held themselves and their posterity bound in Duty and Conscience *to pray to God for the life, safety, prosperity of their Kings, and their Sons and Royal Posterity*, In all hereditary Kingdoms, as is apparent by *Ezra*, 6. 10, 11. *Psal.* 72. 1, 2, 15. 1 *Sam.* 11. 14. 2 Sam. 16, 16. 1 Kings 1. 25. 34, 39. 2 Kings 11. 12. 2 Chron. 23. 11. Psal. 149. 2. Ezech. 9. 9. Dan. 2. 4. c. 3. 9. c. 6. 6, 21. Mat. 21. 5. 9. John 12. 13, 15. 1 Tim. 2. 1, 2, 3. by all the ancient, modern Liturgyes, Collects, Letanyes, Canons of the Churches of *England, Scotland, Ireland, France, Spain*, and other hereditary Kingdoms; The Testimony of *sundry Fathers, Councils, Historians*, and our own *Clause Rolls in the Tower*, n *elsewhere* quoted. Therefore they may lawfullie oblige themselves and their Posterity, by Solemn *Oaths, Covenants, Protestations to obey, protect and defend their*, and their posterities *Royal Persons, Crowns and Royalties.*

n my True & perfect Narrative, p. 95.

9ly. To

gly. To put this out of further question, I shall only prest one Scripture president and testimonie more, wherewith I shall conclude this point, and that is the Historie of the *Gibeonites*, recorded *Josh.* 9. & 10. and 2 Sam. 21. 1. to 13. The *Gibeonites* (a remnant of the *Amorites*, with whom the *Israelites* by Gods express command *were to make no peace nor covenant, nor shew any mercy to, but smite with the edge of the sword and utterly destroy*, Deut. 7. 1, 2, 3. c. 20. 16, 17, 18.) *circumventing* Joshua *and the elders of* Israel *by a stratagem, of old bottles, shooes, bread, clothes, and a lying information, that they came from a farr country to make peace and a league with them, by reason of the glorious victories God had given, and the miracles he had wrought for them; thereupon, without asking any advice of God or the Congregation, or examining the truth of their information,* Joshua *and the Elders of the Congregation entred into a league with them,* **to let them live, and sware unto them in the name of the Lord.** *Within three dayes after they heard they were their neighbours and dwelt amongst them, and they came unto their Cities the third day.* * *But the children of Israel smote them not,* **Because the Princes of the Congregation had sworn unto them by the Lord God of Israel.** *Hereupon all the Congregation murmured against the Princes. But all the Princes said unto the Congregation:* **We have sworn unto them by the Lord God of Israel, therefore we may not touch them.** *This we will do unto them, we will let them live* **lest wrath be upon us, because of the Oath that we sware unto them** *And the Princes said unto them, let them live as the Princes had promised them, but let them be hewers of wood and drawers of water to all the congregation. And* Joshua *called for them, and spake unto them saying; Wherefore have ye beguiled us, saying, We are very far from you, when you dwell among us? Now therefore ye are cursed, and there shall none of you be freed from being bondmen, and hewers of wood and drawers of water for the house of my God. And they answered* Joshua *and said; because it was certainly told thy servants, how the Lord thy God commanded his servant* Moses *to give you all the Land, and to destroy all the Inhabitants of the Land before you; therefore we were sore afraid of our lives because of you, and have done this thing. And now behold we are in thine hand, as it seemeth good and right unto thee to do unto us, do. And so*

* Jesus pacem quam dederat revocandam non censuit, quia firmata erat Sacramenti Religione, ne dum alienam perfidiam arguit, suam fidem solveret. Ambrosius de Officiis, l. 3. c. 10.

did he unto them, and delivered them out of the hand of the children of Israel, that they slew them not. And Joshua *made them that day hewers of wood, and drawers of water for the congregation, and for the Altar of the Lord* **even to this day**, *in the place which he should chuse.* After this Oath and League the Princes and Congregation were so far from slaying or suffering them to be slain by their enemies contrarie hereunto, that when as 5. *Kings soon after came up with all their hosts and encamped against* Gibeah, *to destroy it* **because they had made peace with Israel**; *the Gibeonite sending this message to Joshua & the camp at* Gilgal; *slack not thy hand from thy servants, to come up to us quickly & save us, for all the Kings of the Amorites that dwell in the Mountains are gathered against us*; thereupon Joshua *and all the men of Warr with him went up from* Gilgal *all night, and came upon their Enemies suddenly, and smote, & destroyed them with a great slaughter, deliverring them from that danger.* About 385 years after this Solem Oath & League, *King* Saul *out of his zeal to the children of* Israel *and* Judah, *sought to destroy all, and slew some of those* Gibeonites *posterity, contrary to this Oath and League*, for which (35 *years after its violation, and 430 years after its first making) *God sent a famine in the Land for three years, year after year: upon this* David *inquiring of the Lord, what was the true cause thereof? The Lord answered him.* It was for Saul, and for his bloudy house, **because they slew the Gibeonites**, who were not of the Israelites, but of the remnant of the Amorites, and **the children of Israel had sworn unto them** Whereupon *David called the* Gibeonites, *and said unto them*: What shall I doe for you, *and* **wherewith shall I make the Attonement**, *that ye may blesse the Inheritance of the Lord?* And they said unto the King, *The man that consumed us, and devised against us that we should be destroyed from remaining in any of the coasts of* Israel, *let seven of his sons be delivered unto us, and we will hang them up in* Gibeah of Saul *which the Lord did chuse*; which being accordingly done, after that *God was intreated for the Land*, and removed the famine, 2 Sam. 21. 1. to 15.

* Archbishop Vshers Annal. Ver. Testamenti, Anno 2553. 2983. 2986.

Here we have an Oath and Covenant binding the *Israelites*, their Governours, Heirs and posterity in perpetuitie to the *Gibeonites* and their posteritie; which I shall parallel with our forementioned Oaths, Protestation, Covenant to our here-

ditarie

ditarie Kings, their heirs and successors, to prove them more obliging to us and our posterities, than this Oath & League of the *Israelites* to the *Gibeonites*, in regard of these observable circumstances & particulars, not hitherto insisted on by any; which I beseech God in mercie to set home effectually upon all our hearts, spirits, consciences, both for our information, reformation, settlement, and avoiding Gods avenging justice on us and our posterities, for our transcendent perjuries, breach of Oathes and Covenants to our Soveraigns.

1. This Oath and Covenant with the *Gibeonites* Embassadors, was procured by meer fraud, circumvention, misinformation, and apparent falshood, arising meerly from those to whom it was made and sworn: yet it obliged the *Israelites* and their posteritie, to the *Gibeonites* and their progenie in perpetuitie: But the forementioned *Oathes*, together with the Protestation, and Solemn League and Covenant, were made without any fraud, circumvention, misinformation, or false suggestion, upon grounds of loyaltie, dutie, justice, prudence, christianitie, Religion, and State-policie, voluntarily propounded by the makers, takers of them, and ratified in full Parliaments: Therefore they must needs be farre more valid, obligatory to the whole English Nation and their posterities, than this Oath, Covenant to the *Gibeonites*.

2. This League and Oath was made very sodenly, rashly, unadvisedly, without any advice with God and the whole Congregation, or examining, debating the truth of the *Gibeonites* suggestion; yet it bound them when once made: But our Oathes, Protestation, League, Covenant, were all made enacted, enjoyned upon long and serious debate, mature deliberation in several successive Parliaments: Therefore ours must be much more obliging than theirs.

3ly. This League, Oath, was made only by the Princes of *Israel*, without the Congregations privitie, assent or advice, who were discontented with and murmured against them for it, yet it obliged both the Princes, people, and their posterities: But our Oathes, Protestation, League and Covenant, were made not only by all our Princes, Nobles, Peers, but likewise by the whole House of Commons in full Parliaments, and assented to by the whole English Nation both

* see 7 Jac. c. 6. 17 Car. c. 7. & here, p. 7.

in and out of Parliament, the *Commons being the original movers, promoters, contrivers of all or most of them: Therefore they must be much more obligatorie to us and our posterities, than theirs.

4ly. Their League, Oath, was never ratified by any publique Law or decree of the whole Congregation and people of *Israel* in any publike Convention, but only by *Iosbua* and the Princes alone; yet they bound the whole Nation: Ours have been approved, ratified, established, perpetuated by sundry successive Acts, Ordinances, Votes of Parliament from time to time, continuing still in their full legal force: Therefore much more valid and binding to us and our posterities, than theirs.

5ly. That Oath, League, was taken, sworn only by the Princes themselves, not by the Congregation and people of *Israel*, yet they were all obliged by them. Our Oaths, Protestation, League, Covenant, have been sworn, taken not only by all our Princes, Nobles, Officers of State, Iustices, but likewise by all or most of the Commons, & people of the Land from time to time, both in and out of Parliament: Therefore much more obliging to us and ours, than theirs.

6ly. This Oath, League of theirs to the *Gibeonites*, was never taken and entred into for ought appears, but once, and that sodeinly, without any subsequent renovation or ratification; But our Oathes, Protestation, League, Covenant, have been swore, taken again and again, by all Members of Parliament, Officers of State, Iustices, Graduates, Lawyers, Ministers, most Souldiers, and others; upon sundry emergent occasions, both in and out of Parliament: Therefore much more obligatory to us and our posteritie, then theirs.

7ly. This Oath, League, for ought wee read, was not made explicitly in precise terms with the *Gibeonites*, their heirs and posteritie for ever, but only indefinitely, with the *Gibeonites* then in being, *whose lives they spared*, as the words import; yet because they were a People, State, Citie, Body politick, having a permanent succession; it virtually and intentionally in their own and Gods account

too

too, extended not only to the *Gibeonites* then living, but to their succeeding issues in *Sauls* time, neer 400 years after, and all succeeding Generations (*as* q *perpetual National Leagues use to do*,) But our Oaths, League, Covenant in direct terms extend not only to our Kings to whom they were first made and sworn, but likewise **to their heirs, successors, and Royal Posterity for ever**, (see 1 *Jac.c.*1. 3 *Jac.c.*4. 7 *Jac.c.*6. 1 *Eliz.* c. 1. 3.) Therefore they must needs be more binding to us, our Heirs and Posterities in present and succeeding Generations, than theirs to the *Gibeonites*.

8ly. Their League, Oath, was only with foreign Pagans, Strangers, who became their mere slaves and bondmen in perpetuitie, and had not the least power, jurisdiction over them; yet it bound them to strict observation. Ours are made, sworn to our own Christian, natural Kings, Princes, Soveraigns, of our own flesh, bloud, Nation, to whom we are natural borne Subjects, and owe all dutifull allegiance by the Laws of God, Nature, Nations; Therefore much more obliging to and most religiously to be kept by us and our posterities after us, than theirs.

9ly. (Which is most considerable) this their Oath, League, was made with such an idolatrous remnant of the *Ammonites*, as God himself by express precepts had commanded *the Israelites to make no League, nor Covenant with, upon any terms, but utterly to destroy with the edge of the sword without mercie, without saving any of them alive*, Exod. 23. 32. c. 34. 12. 13. Deutr. 7. 1, 2, 3, &c. c. 20. 16, 17, 18. Psal. 106. 34, 35.) yet notwithstanding having once entred into a *League with, and sworn to them in the name of the Lord, that they should live*, (though by their own fraud, circumvention, and misinformation) God was so jealous of *his own name, honour, glory*, so unwilling that his own people should perjuriously, treacherously, perfidiously break their Oathe, Covenant sworn in his name, r *being the highest, the most sacred inviolable Obligations, securities that can be betweene God and men, man and man, Nation and Nation*; that he would rather have his positive

q 1 Kings 15. 19. Cook 4 Instit. c. 26. p. 155, 156. 4 H. 5. Rot. Parl. n. 24. 9 H. 4. 2. See Br. & Fith. Tit. Corporation, Abbie. Cooks 1 Instit. f. 2. 94. 101, 150. Grotius de Jure Belli, l. 2. c. 13. Sect. 4. 7. See Magna Charta the Prologue, and cap. ult.

r Hebr. 6. 16, 17, 18. Grotius de Jure Belli.

positive judicial Law, (which ſ *ſome conceive to have a tacit condition in it*) violated and diſpenſed within this caſe, (is being not ſimplie evil in its own nature to ſpare the *Gibeonites* upon their ſubmiſsion, but onlie a *prohibited evil* by particular Precepts) than his Name prophaned, diſhonoured, Religious Oaths wittinglie infringed, and perjurie committed by his own people, againſt his moral Law, Precept, being ſinful, ſcandalous in their own nature, and of dangerous conſequence to all Poſteritie, if admitted, approved, to encourage them to commit perjurie, and violate all lawfull Oaths, Covenants, in ſucceeding Ages, to the ſcandal of Religion, and prejudice of Mankind. Wherefore this Oath, League, though againſt theſe judicial Precepts, not only firmly bound the Princes who made them, and all the Congregation in that Age, but King *Saul* himſelf, and all the *Iſraelites* in ſucceſſion four hundred years after. Of which we have another Preſident of *Joſhuaes* and the *Iſraelites* care to perform their Spies Oaths made to *Rahab*, and **ſwoꝛn unto her by the Loꝛd**, *to ſave her, her Parents, Kindred, and Family alive* (though *Canaanites* devoted by God to deſtruction) *Ioſh.* 2 1, to 24. compared with c. 6. 21, 22, 23. Heb. 11. 31. But our Oaths, Proteſtation, League, Covenant were all made not to, or with *Amorites* or *Canaanites* particularly deuoted by God to the Sword, Slaughter, and utter extirpation without any Truce or League of Peace; but to and with our own hereditary lawfull Chriſtian Kings, their Heirs, Poſterities, and Succeſſors, whoſe Perſons, Lives, Crowns, Rights, and Royal Authoritie we are all expreſly obliged, commanded by God himſelf, to *defend, protect with our own lives, fortunes, eſtates to the uttermoſt of our Powers, againſt all Attempts, Treaſons, Conſpiracies, Traytors, and Invaſions whatſoever*: yea preciſely prohibited to *offer the leaſt violence, injury to their Perſons, Lives, and Regal Authority, in thought, word, or deed*, Prov. 24. 20, 21 Eccleſ. 8. 2 c. 10. 10. 1 Sam 24. 3, to 20. c. 26. 8, to 12. 2 Sam. 1, 12, &c. c. 4. 10, 11, 2 Sam. 18. 3. c 21 17 Eſth. 2. 21, 12, 23. c. 6. 2 Rom 13 1, 2, 3. 1 Pet. 2. 12, 13, 17. Tit. 3. 1. 1 Tim. 2. 2, 3. John 18. 36. Therefore our Oaths, League, Covenant, are much more obliging, and conſciencioſlie to be obſerved by

ſ Grotius de Jure belli, l. 2. c 13. §. 4. 7.

by us, and our Posterities for ever, than theirs to the *Gibeonites*, as the only rea y way to our peace and settlement.

10ly This League of theirs to the *Gibeonites* was ratified only with one single *Oath*, yet it bound both them and their Posterity; but ours to our *Kings, their Heirs and Successors*, is ratified with seven successive *Oaths, Protestations, Covenants*, here recited, besides sundry others of like nature taken *by our Ancestors in former Ages*, which I pretermit. Therefore much more strong, indissoluble, obliging to us and our Posteridies than theirs. *If a threefold cord be not easily broken*, Ec. cles. 4. 12. much more then *a sevenfold Oath* successively renued, should not easily or quicklie be broken, but remain inviolable to all posteritie.

11. The violation of this Oath League to the *Gibeonites* by *Saul*, and the *Israelites* near 400 years after its first making, when perchance quite forgotten by them, or conceived to be unbinding to them as gotten by surprise, as not made or taken by themselves, personal to the *Gibeonites* and *Israelites* then living when first made, or at least expired and grown quite out of date by so long a tract of time; was reputed by God himself a great *sinne, perjury in them*, and exemplarie punished by God with three years famine on the whole Land, though *Saul* and the *Israelites* then living never took this Oath, nor made that League themselves, but onlie their Ancestors, so long time before their births. Therefore our violations of the forecited Oaths, Protestation, Leagues, Covenant, so freshlie made, taken, sworn, subscribed with hands lifted up to Heaven, successivelie one after another, by whole Parliaments, the generalitie of our Nation; and not onlie by our deceased Ancestors, but by our selves in person, and so oft reiterated, yet intringed by us time after time in the highest degree, must needs be a more detestable damnable Perjurie, crime, in the eyes of God than theirs, and draw a more long-lasting famine, and other sorer judgements of God upon our particular Persons, Families, Nation, than that breach of their Oath and League with the *Gibeonites*, brought down on them.

* Vastat stirpemque, domumque, *Herodotus*, lib. 11.

12ly. That Oath, League, continued in force to bind the *Israelites*, both to observation and punishment, when violated

violated by King *Saul* and them, after the whole frame of their Government was quite changed from a Principality or Common-wealth (as most of our present Grandees would have it) into a *Kingship and Kingdom*, by the earnest unanimous desire, consent of all the Elders of *Israel*, the generality of the people, and by Gods own approbation, as is evident by the 1 *Sam.* c. 8, to c.13. Josh. 9. 2 *Sam.* 21, compared together. Therefore our Oath, Protestation, *League*, Covenant forecited, must by like reason, consequence, much more oblige our whole Nation in present and future to our Kings, their Heirs and Successors, notwithstanding all late violent forcible illegal Alterations, Revolutions of our Governments and Governours, against the Votes of both Houses of Parliament, the desires of the generality of our three Nations, since our Laws admit no *Interregnum* nor Disseisin of the *Crown*, *Kingship*, *Kingdom*, (as the *Statutes* of *Prærogativa Regis*, 1 *Iacobi*, *ch.* 1. *Cooks 7 Rep. f.* 10 and *u other Lawbooks* resolve) And so our violations of them must be more perjurious, sinfull, and exemplarily punishable, than theirs.

u See Fitzh. Brook, Ash. Title Intrusion, Prerogative.

13. This Oath, *League* with the *Gibeonites* was violated by King *Saul*, only out of *zeal to the Children of Israel*, & *Iudah*, who (it seems) solicited him thereunto for their own selfe ends or advantage: yet this was no sufficient excuse, nor justification thereof in Gods esteem, being punished with exemplarie justice on his posterity, and a three years famine upon all the *Land*. Therefore the violation of all our precedent Oaths, Protestations, Covenants, by the Army-Officers, confederate Members, and their Adherents (against the Votes of both Houses, the dehortations of our Ministers, and desires of our three whole Kingdoms) must needs be a far more detestable crime, and be avenged with a more heavy punishment both on them and us, than theirs was heretofore.

14. This breach of Oath, Covenant, notwithstanding all circumstances which might extenuate it, was most exemplary punished, though not on *Saul* the chief Offendor during his life, yet upon seven of his Sons, and Family after his death, in King *Davids* Reign, 35 years after this Offence committed, and upon the whole Nation by a three years famine, though

though it was never infringed but only by one single Act, in slaying some of the *Gibeonites* posterity, and not re-violated by any other subsequent slaughter of them. Thefore though many of the grand Infringers of the precedent Oaths, Protestation, Covenant, may perchance scape scot-free for a time in their own persons, and die without exemplary justice inflicted on them for it, yet let them from this memorable President conclude for certain, that God will sooner or later avenge it upon their *Children and Posterity* to their utter extirpation, (and on the whole Nation too, as he hath done in a great measure already,) it may be 35 years after the Perjuries, Treasons, committed in this kind, especially when not committed only once, but perpetrated and acted over sundry times by a continued, uninterrupted succession of New Perjuries, Treasons, and Violations of them in the highest degree from day to day without fear or shame, as Exod. 20. 5. c 34. 7. Gen. 3. 14, 15. 1 Kings 2. 33. 2 Kings 5. 27. Jer. 22. 30. c. 36. 31. Isay 14 20 21. Mich. 2. 2, 3, 4, 5. Jer. 6. 15 c 8. 12. may assure all our late and present Delinquents in this kind and their Posterity, which texts they may do well most seriously to peruse, with bleeding and relenting hearts.

15. This their violation of their League, Oath to the *Gibeonites* was never openly justified, pleaded, written, preached, printed for, nor carried on with solemn Fasts and Humiliations, (most * detestable unto God when thus abused) nor yet solemnly abjured by new contrary Oaths or Engagements forcibly imposed on all the *Israelites*, by *Saul* and his *Counsel of State*, to extirpate the *Gibeonites*: yet it was thus severely punished by God himself on *Sauls* posterity and the *Israelites*. O then what soarer overflowing, desolating Judgements, may our perjurious, Fidifragus *Grandees, Saints, Nations*, most justlie fear and expect will undoubtedly befall themselves, their posterities and our Kingdoms, (now almost ripened for destruction in wisemens apprehensions) who have not only infringed all our Oaths, Covenants, Protestations, to our lawfull Kings, their Heirs, Successors, and Posteritie over & over in the highest degree, but most impudently justified, pleaded, preached, written, for the lawfulness thereof; yea kept manie Hypocritical, Atheistical *Mock-*

* Isay 58. 3, 4, 5. &c. c. 1. 13 to 16 c. 66. 3. Prov. 21, 27.

Fasts,

Fasts and Humiliations, to promote our most detestable Perjuries, Treacheries, Abominations; and publicklie abjured all our former loyal Oaths, Protestations, Covenants, by new Treasonable enforced Oaths and Engagements, diametrically repugnant to them. Certainlie if this breach of Oath by *Saul* in slaying the *Gibeonites* could not be expiated, nor the 3 years famine inflicted on the whole Land for it, removed by all King *Davids* and the *Israelites* Fasts, Prayers, Tears, Sacrifices; till this sin of theirs was particularly bewailed, repented, removed, and full satisfaction made to the murdered *Gibeonites* by *David* and his people, by delivering up seven of *Sauls* Sonnes and Posteritie to be hanged up before the Lord in *Gibeah* of Saul, for this perjurie and bloodshed committed so long before by *Saul* their Ancestor, the principal Malefactor. We may justlie fear and conclude, that all our prayers, tears, fasts, humiliations, will never expiate the manifold open violations of these our *Oaths*, *Protestations*, *Leagues*, *Covenants*, by the murders of our late King, and manie thousands of our Protestant Brethren of all sorts for adhering to him, his heirs and posteritie; the violations of the rights, privileges of Parliament, beyond all Presidents of former Ages; and securing, secluding the whole Peers House, and Majoritie of the Commons heretofore and now again, and trampling our fundamental *Laws*, Liberties, Properties, Remonstrances, Declarations, as well as Oaths quite under foot, by new Arbitrarie, Tyranical Acts, Impositions, proceedings of all kinds, exceeding the worst of our former Kings; unlesse all these perjuries, treacheries, breaches of Oaths, Protestations, Covenants in this kind be particularly and publickly confessed, bewayled, reformed, repented if not expiated with the like Justice and Executions upon the persons or Sons of some of the most capital Delinquents in this kind, to appease Gods wrath, and preserve our whole three Kingdomes from utter ruin; our perjuries and breaches of all Oaths, Faith, Trusts, being now so generallie and universally infamous throughout the world, that FIDES ANGLICA, is become as proverbial AS *e* FIDES PUNICA, SCOTICA, or HYBERNICA in former Ages, to our perpetual infamie: Which, if this Publication may redresse, reform

e Erasmi Adagia. Walsingham Hist. Ang. Antiquit. Eccl. Brittan. p. 195, 296. Giraldus Cambrensis Typographiæ Hyberniæ, c. 20, 22, 24.

form for the future, I shall bless God for it, and have some hopes of better times, things, then yet we can possibly expect whiles under the guilt, breach of so many contradictory Oathes, Protestations, Leagues, Covenants, Ingagements.

By the antient Oath of *Fealty* and *Allegiance*, (which both the Subjects of *England*, and *Kings*, *Bishops*, *Nobles*, and *Subjects* of *Scotland*, made to the Kings of *England* and their heirs, as supreme Lords of *Scotland*, in these words.) *Ero fidelis & legalis, fidemque & legalitatem servabo*, Henrico (& Edwardo) *Regi Angliæ*, **et Hæredibus suis**, *de vita & membris, & terreno honore, contra omnes qui possunt vivere & mori: Et nunquam pro aliquo portabo arma, nec ero in consilio vel auxilio contra eum vel* **Hæredes suos**, *in aliquo casu qui possit contingere, sed fideliter recognoscam, et fideliter faciam servitia quæ pertinent ad tenementum quod de eo tenere clamito, Sic me Deus adjuvet & omnes Sanctos ejus.* (Which Oath 1 *William* King of *Scots* and all his Nobles swore to King *Henry* the 2. **et Hæredibus suis**, *sicut ligio Domino suo:* And 2 *Iohn Balliol*, *Iohn Comyn*, with all the Nobles of *Scotland* to King *Edward* 1. and his *heirs*: Anno 1293, 1294, 1297.) they all in express terms obliged themselves and their heirs, to be true and faithfull Subjects to the *King and his heirs*: Which though valid, obligatorie in it self to our Kings posteritie, yet some of our Kings in their life-times, made both the Scots and English Subjects to take a new Oath of Fealty and allegiance to their heir apparent and his heirs, *saving the fealty, homage and allegiance done to themselves.* Thus c *William King of Scots* with all his Nobles, Barons and Knights of *Scotland*, did *Fealty* and *Homage* to *King Henry* the 2. and to *Henry* his son, and **his heirs**, as to his Liege Lords, *salva fide Domini Regis patris sui.* Anno 1175. Yea before this, Anno 1128. by the command of King *Henry* the 1. the Archbishops, Bishops, Abbots, *David* King of *Scots*, with all the Earls and Barons of *England*, swore homage and fealtie to *Maud* his daughter and heir, *ut filiæ suæ Imperatrici* **Fide servata**, *regnum Angliæ* **Hæreditario jure** *post dies suos* **sibi et hæredibus suis legitimo**

1 Roger de Hoveden, Annal. pars posterior, p. 545, 546

2 Tho. Walsingham Hist. Angliæ, p. 22, 33, 34 Mat. Westm. Anno 1293, 1294, 1297.

c Hoveden, p. 545, 546, 549, 550,

d Hoveden Annal. pars posterior, p. 480. Simeon Dunelmensis, Hist. col. 254. Radulphus de Diceto Abbrev. Chron col. 504. Chronicon Johan. Bromton col. 1006. Henry de Knyghton de Eventibus Angliæ l. 2. c. 9. Gul. Nubrigensis. Hist. l. 1. c. 3, 4. 30, 32. Mat. Paris Mat. Westminster, Holinshed, Caxton, Fabian, Speed, in the lives of H. 1. Stephen, & H. 2.

me procreatis servarent *nisi sobolem virilis sexus ipse Rex in posterum procrearet*. The perfidious violation of which Oath by them after King *Henries* death in crowning *Stephen*, brought *exemplary judgements on the wilfull violaters therof, and a bloudy, long lasting civil warr within the bowels of the Realm* between *Maud*, her son *Henry*, and the Usurper *Stephen*, to the great oppression, devastation, desolation of the publique, & people, as our Historians observe; all the good they hoped for by disinheriting *Maud*, and crowning *Stephen* upon their own terms, against his own and their *Oathes*, becomming *void and null* by his *perfidiousness*, through divine Justice, *which will never permit any good things to spring out of such enormous evils as perjury and treachery*; which produced sundry judgements and civil wars, never ceasing till *Henry* the right heir *was restored to the Crown by a friendly agreement*; the only probable, speedy way now to end our present wars, oppressions, distractions, Military Government, and restore peace, and prosperitie in our Nations. After this, An. 1191. upon the dejection of the insolent Bishop of *Ely* from his Vicegerentship under King *Richard* the first, *e all the Nobles of England* assembling together, *swore Fealty* to *Richard King of England, and* **to his heir** *against all men*. The Citizens of *London* swore the like *Oath*; *and that if* King *Richard should die without issue, they would receive* Earl John *his Brother for their* **King and Lord**, *& juraverunt ei* **Fidelitatem** *contra omnes homines, salva fidelitate Regis* Richardi *fratris sui*: as *Hoveden* relates.

* Holinshed, Vol. 3. p. 46.

e Hoveden Annal. pars posterior, p. 702. 718.

In Claus. 24 H 3. m. 15. dorso, soon after the birth of *Edward* the 1. son and heir apparent to King *Henry* the third, I find this memorable writ issued to all the Sheriffs of *England*, to summon all persons above 12. years old, to swear *Fealty* to him, as **Heir to the King**, and to submit themselves faithfully to him as to their Liege Lord after his death.

Rex Vic. *Eborum*. salutem; Præcipimus tibi quod in fide qua Nobis teneris, et sicut teipsum et omnia tua diligis venire facias ad loca certa & ad dies certos, sicut commodius fieri poterit, **Omnes** liberos homines de balliva tua ætatis 12. Annorum et supra, et **eos omnes coram te jurare facias**;

ita

ita quod hæc sit forma juramenti sui, scilicet: *Quod ipsi salvo Homagio et fidelitate nostra, qua Nobis tenentur, & cui in vita nostra nullo modo renunciare volumus,* **Fideles eritis Edwardo filio nostro primogenito,** *ita quod si de Nobis humanitus contigerit,* **eidem tanquam hæredi nostro et Domino suo ligio erunt fideliter intendentes, et eum pro Domino suo ligio habentes.** *Et talem circa hoc exhibeas diligentiam, ut inde merito debeatis commendari.* Teste meipso apud *Westm.* 24 die *Febr.* Ann. r. n. 24. Eodem modo scribitur omnibus Vicecomitibus: and it appears by *Dors.* 12. they were summoned and sworn accordingly. In the Parliament of 5 H. 4. rot. Parl. n. 13. & 17. The *Lords Spiritual* and *Temporal*, and *Commons*, were sworn *to bear faith and true allegiance* **to the King, to the Prince, and to his issue, and to every one of his Sonnes severally succeeding to the Crown of England;** *and that of their own accord.* The like Oath was taken to the *King, Queen, Prince Edward*, and the **Heirs of the Kings body** in the Parliament of 38 H. 6. rot Parl. n. 26. And to g *Prince Edward* Son and heir apparent to King *Edward* the 4th **and his Heirs,** in the *Parliament of* 11 E. 4. entred in the Clause Roll of 11 E. 4. m. 1. dorso. Yet in point of Law, Conscience, the first Oathes of *Fealty* and *Allegiance* to each of these *Kings his heirs and successors*, *obliged all that took them as firmly to their *heirs and successors*, as their *Homages* made by them to these Kings or other *Lords*, (which extend equally to their heires, and shall not be *h reiterated*, nor *renewed* to them upon this Account, unless in some special cases) and binde not only those that took them, but their heirs and posteritie likewise, although they never tooke these *Oaths* themselves, at least to a *religious conscientious observation*, though not to *the actual legal penalties of Perjury*; as *Angelus de Clavasio* in his *Summa Angelica*, tit. *Juramentum* 5. sect: 24. 40. and other Canonists distinguish; and the forecited Scriptures infallibly demonstrate; especially being made for the publick good, peace, settlement, of the Kingdom, warranted by the policie, presidents of all ages, prescribed by our Lawes, Parliaments, for the safetie, securitie, settlement, as well of our Religion, Church, Kingdoms,

f Exact Abridgement of the Records in the Tower, p. 426, 427. 662, 663.

g The first Part of my Register of Parliamentary Writs, p. 108, 109.

* 26 H. 8. c. 2. 28 H. 8. c. 7.

h Littleton, Sect. 148, 149. Britton f. 175, 176. Cookes 1 Instit. f. 103, 104.

doms, Government, as of our Kings and their posterities, and so not *e to be violated, through fear, menaces, hopes of worldly gain or preferment*, nor dispensed with by any *Papal or other human power whatsoever*; the *i* breach of Oaths, Leagues, Covenants, being A GRAND WICKEDNESSE *and high prophanation of the* TRUTH, FAITHFULNESSE, NAME, AND CONSTANCY OF GOD HIMSELF, *as well as transgression of his Law and Gospel*, deserving the highest temporal and Ecclesiastical censures in this world, as well as eternal condemnation in the world to come, *Ezech.* 17. 16, *to* 22. *&* *Jer.* 34. *Neh* 5. 12. 13.

7. Whether the late illegal Oaths, Ingagements to the New *Republicans* and *Protectors*, enforced on the people against their Consciences, without any lawfull Parliamentary Authority (which *only can legally* make, prescribe, impose new *Oaths* upon the Nation, as the marginal k *Statutes* resolve, past all dispute) being directly contradictorie to their former lawfull Oaths to our Kings, their Heirs and Successors, be not absolutely void in conscience, yea mere prophanings, abuses of Gods sacred Name; and if taken out of *fear or weaknesse, no wayes to be observed*, no more than *Davids Oath, resolution to slay* Nabal *with all his Family*, 1 Sam. 25. or *Herods Oath to Herodias*, which he had *more justly violated than observed, in beheading* John the Baptist, *Mat.* 14. 6, to 13. or those *Jews* Vow, *who vowed they would neither eat nor drink till they had killed Paul*, Acts 23. 21. &c. Which *sinful Oaths, Vows*, were no *wayes to be observed by shedding innocent blood*, as both the *Fathers, Councils, Canonists, Casuists*, and *Scoolmen* resolve, as you may read at large in *Gratian Caus.* 22. *quest.* 4. *Summa Angelica, Tit. Juramentum, sect.* 3. 4. 5. *Peter Lombard, Sent.* l. 3. *distinct* 29. & most *Schoolmen* on his Text, whose definitive Doctrine is this: *Si quis alicui juraverit contra fidem, charita-*

i see Aug. serm. 30. Gratian Causa 22. q 1. 2 5. Summa Angelica, Tit. Juramentum & Perjurium. Bochellus Decreta Eccles. Galli. canæ, lib. 8. Tit. 13. De Jurejurando & Perjurio. Chrysostom Homil. 17 in Mat. & Hom. 9 12. in Acta Apost. Dr Beards Theatre of Gods Judgements, l. 1. c. 28 Cooks 3 Instit. c 74.

k Mag. Charta c. 28. 51 *H.* 3. Star. of the Exchequer, 51 H. 3. c. 22. 3 E. 1. c. 14. 40. 6 E. 1. c. 8. 9 E. 3. Stat. 2. c. 6, 14 E. 3. c. 5. 18 E. 3. stat 3. 20 E. 3. c. 1, 2. 25 E. 3. c. 1. 27 E. 3. Par. 2. c. 1. 10. 16. 24. 26. 5 R. 2. c. 2. 12, 13. 6 R. 2. c. 12. 11 R. 2. c. 28. 17 R. 2. c. 9. 21 R. 2. c. 5. 4 H. 4. c. 10. 18. 20. 21. 2 H. 5. c. 4. 6, 7. 4 H. 5. c. 2. 4. 2 H. 6. c. 10. 18 H. 6 c. 4. 10. 20 H. 6. c. 10. 23 H. 6. c. 2. 33 H. 6. c. 3. 5. 3 E. 4. c. 3. 7 E. 4. c. 1. 8 E. 4. c. 2. 12 E. 4. c. 2, 3. 17 E. 4. c. 2. 1 R. 3. c. 6. 19 H. 7. c. 14. 2 H. 8. c. 8. 3 H. 8. c. 2. 14. & 15 H. 8. c. 3. 21 H. 8. c. 16. 21 & 22 H. 8. c. 7. 23 H. 8. c. 5. 25 H. 8. c. 20. 26 H. 8. c. 2, 4. 13. 27 H. 8. c. 27. 28 H. 8. c. 7. 10. 31 H. 8. c. 46. 35 H. 8. c. 1. 5 E. 6. c. 5. 1 Eliz. c. 1. 5 Eliz. c. 1, 23 Eliz. c. 6. 27 Eliz. c. 12. 43 Eliz. c. 12. 1 Jac. c. 31. 3 Jac. c. 14, 15. 7 Jac. c. 2. 6. 21 Jac. c. 7. 20, 21. The Petition of Right 3 Car. 17 Car. c. 7. 1 Car. c. 1. 2 Car. c. 1.

tem

tem & officium, quod observatu pejorem vergat in exitum, potius est mutandum quam implendum: Qui enim sic jurat vehementer peccat, cum autem mutat benè facit: Qui autem non mutat dupliciter peccat; **Et quia injuste jurabit, et quia facit quod non debet.** And l *that when a man hath once obliged himself by a legal Oath to God and his Soveraign, any latter Oath repugnant to, or inconsistent with it is unlawfull:* Upon which account our m *Lawbooks* and *Laws* resolve, that when ever any man swears Fealty, or doth Homage to his Landlord for the Lands held of him, it shall be with this special exception, **saving the Faith which I owe to our Lord the King**, who is the Soveraign Lord of all his Subjects, principally *sworn unto, and to be obeyed in the first place* before all or any others. Hereupon n *Walter* Bishop of *Exeter*, Anno 6 E. 1. for omitting this Clause out of the Homage he received of his Tenants in *Cornwall*, IN CONTEMPTUM DOMINI REGIS, *& ad manifestam, quo ad* PRIVILEGIUM IPSIUS DOMINI REGIS EXHÆREDATIONEM, ET DAMNUM IPSIUS DOMINI REGIS *ad valentiam* DECEM MILLE LIBRARUM, he had judgement given against him for it upon an *Information*, and was put to a great fine and ransome for this his transcendent offence. Upon this very account *Honnore Bonbor* Prior of *Salon*, an eminent Doctor of the Canon law, in his *Larbre des Battailles*, ch. 50, 51. resolves, out of other Doctors, *That if the King moves war against any Baron of his Realme, his Tenants and Homagers are not bound to assist him in his wars against the King by their Homage or Fealty, but rather to assist the King against him*, BECAUSE THE KING IS SOVERAIGN LORD TO THEM BOTH; and the Barons lesser power and inferiour Dominion, *is swallowed up or suspended by the presence of the King, the greater and superior Lord; and because the Baron commits both Treason and Perjury against the King, by violating his Homage, in taking up Arms against him;*) Whereupon *his Tenants are not bound to aid him in his Perjury and Treason against his Soveraign.* And ch. 100, 101, 102. he determines, *That if a man be a Subject to two Kings, States, or Cities, which afterwards wage war against each other, he is bound to serve the King, State, City in the*

l Summa Angelica Juramentum 5. sect. 16.

m Glanvil l. 9, c. 1. Mirrour. c. 3. Bracton, f. 78, 80. Britton, f. 170, 171. Littleton, sect 85. Cook 1 Instit. f 64 65. spelmanni Glossarium, p. 356, 357, 358.

n Cooks 1 Instit. f. 65.

the wars, *to which* HE WAS FIRST SWORN AND OBLIGED, because his latter Oath and Homage to his last Soveraign *cannot invallid nor discharge his first Oath and Allegiance to his old one*; Much lesse then can these later *Treasonable Oaths*, *Engagements* to a *New Protector* or *Republick*, dispence with those antecedent legal Oaths, Protestation, Covenant to our *lawfull King and his Heirs*, nor oblige us in the least degree to fight against or oppose their *Persons*, *Titles*, *Rights*, to perpetuate our warr, miseries, taxes, oppressions, confusions, and prevent our future settlement.

Let us therefore all now seriously remember, consider in the fear of God, That as all who have been *Judges*, *Justices*, *Maiors*, *Bayliffs of Towns*, *Barresters*, *Benchers*, *Ministers*, *Graduates in Universities*, *Attorneys*, *Civil or Ecclesiastical* Officers in any kind, *Members of the Commons House*, or Tenants to the King, before the year 1649. have oft taken the premised Oaths of *Maiors*, *Justices*, *Fealty*, or at lest of *Supremacy* and *Allegiance*; So all *Aldermen*, *Governors*, *Assistants*, *Liverymen*, *Common-Counsel-men*, and *Freemen* whatsoever of every *City*, *Corporation*, *Society*, *Company*, *Fraternity*, throughout the Realme, have likewise taken another *Oath* beginning thus, *You shall swear*, **to be good and true, or true Liegeman to our Soveraign Lord the Kings Ma̦ſtie̦, and to his Heirs and Successors.** Which if they will all now conscienciously verifie and resolutely fulfil to the *Right Heir and Successor of the Crown*, they may soon put a period to all their present *Oppressions*, *Taxes*, *Excises*, *arbitrary Militiaes*, *Distractions*, *Fears*, *Dangers*, under their New *Ægyptian Taxe Masters*, and make themselves real *ENGLISH FREEMEN*, without any new Warr, or much feared forein invasion, instead of continuing *Bondslaves* under a misnamed *Free State*, in which no wise men can yet discern the least shadow of *Freedom* or *Security*, but inevitable desolation in the present posture of its publick Affairs, and a necessity of involving himself in the guilt of *New Oaths*, more treasonable than the *Bishops late &c. *Oath*, which can neither be imposed, nor administred without danger, and the guilt both of *Perjury and High Treason* to the *King*, *kingdom*, and *Parliament*, by all our known *Laws* resolution.

* See Cooks 3 Instit. cap. 1. 74. Canterburies Doom, p. 19. 26. 40.

I

I shall close up all with this memorable seasonable antient Canon, Resolution, and *Anathema* of the 4th. *Council* of *Toledo* in *Spain* Anno 681. Can. 74. as an effectual means (through Gods blessing) to reclaim us from our former Perjuries, Treacheries, Regecides Disloyalties to our lawfull Kings and their Posteritie, to restore them to their hereditarie Rights, divert Gods heavy Judgements from us, to settle us in firm, lasting peace for the future, and restore our pristine Tranquility, Unity, Trade, Honour, Prosperity so long expected, desired. k *Multarum gentium* (*ut fama est*, being then principally intended of the antient l *Britains*, *Saxons*, *Northumberlanders*, exceeding all other Nations in Perjury, Treachery to, rebellions against and murders of their Kings, and now exceeded therein by us of this Age) tanta "extat perfidia animorum, ut fidem sacramento promissam "Regibus suis observare contemnant, et ore simulant "Juramenti professionem, dum retinent mente perfidiæ "impietatem. Jurant enim Regibus suis, et fidem, quam "polliceantur, prævaricantur; nec metuunt volumen illud "judicii Dei, per quod inducitur maledictio, multaque pœ-"narum comminatio super eos, qui jurant in nomine Dei "mendaciter. Quæ ergò spes talibus populis, contra ho-"stes laborantes, erit? Quæ fides ultra cum aliis gentibus "in pace credenda? quod fœdus non violandum? quæ in "hostibus jurata sponsio stabilis permanebit, quando ipsis "propriis Regibus juratam fidem non servant? Quis e-"nim adeò furiosus est, qui caput suum manu sua propria "desecet? Illi (ut notum est) immemores salutis suæ, pro-"pria manu seipsos interimunt, in semetipsos suosque "Reges proprias convertendo vires. Et cum dominus "dicat, Nolite tangere Chtistos meos, & David: quis in-"quit, extendet manum suam in Christum Domini, & inno-"cens erit? Illis nec vitare metus est perjurium, nec Regi-"bus inferre eritium. Hostibus quippe fides pacti datur, nec "violatur. Quod si in bello fides valeat, quanto magis in "suis servanda est? Sacrilegium quippe est si violetur "a gentibus Regum suorum promissa fides, quia non so-"lum in eos fit pacti transgressio, sed et in Deum, in cu-

k Surius Concil. l. 2. p. 736, 737. See King James his Apoligy for the Oath of Allegiance.

l Gildas de excidio & conquestu Britanniæ Concil. Calcuth, c. 12. Spelmanni Concil. p. 295, 296. Malmesburi de Gestis Reg. l. 1. c. 3. p. 26, 27. Mat. Westm. Anno 838.

 jus

"jus nomine pollicetur ipsa promissio. Indè est, quod
"multa regna terrarum, cælestis iracundia ità permutavit,
"ut pro impietate fidei et morum, alterum ab altero solvere-
"tur. Unde & nos davere oportet, casum hujusmodi gen-
"tium, nè similiter plaga feriamur præcipiti, et pœna pu-
"niamur crudeli. Si enim Deus Angelis in se prævaricanti-
"bus non pepercit, qui per inobedientiam cæleste habita-
"culum perdiderunt; unde & per *Esaiam* dicit: *Inebriatus*
"*est gladius meus in cælo*: quantò magis nos nostræ salutis
"interitum timere debemus, nè per infidelitatem eodem sæ-
"viente DEI gladio pereamus? Quòd, si divinam iracundi-
"am vitare volumus, et severitatem ejus ad clementiam pro-
"vocare cupimus, servemus erga Deum religionis cultum,
"atque timorem, **custodiamus erga Principes nostros**
"**pollicitam fidem atque sponsionem.** Non sit in nobis, ut
"in quibusdam gentibus, infidelitatis subtilitas impia, non
"subdolæ mentis perfidia, **non perjurii nefas, et conju-**
"**rationum nefanda molimina.** Nullus apud nos præ-
"sumptione regnum arripiat, nullus excitet mutuas seditio-
"nes civium, **nemo meditetur interitus regum**; sed, de-
"functo in pace Principe, Primates gentis cum sacerdotibus
"(filium ejus) Soccessorem Regni **Consilio communi con-**
"**stituant**, ut dum unitatis concordia à nobis retinetur,
"nullum patriæ gentisque dissidium, per vim atque ambi-
"tum moliatur. Quòd si hæc admonitio mentes nostras
"non corrigit, et ad salutem communem cor nostrum ne-
"quaquàm perducit, audi sententiam nostram. Quicun-
"que ergò ex nobis, vel totius Hispaniæ populis, qualibet
"conjuratione vel studio **Sacramentum Fidei suæ**, quod
"pro patriæ gentisque Gotthorum statu, **vel conservationis**
"**Regiæ salutis pollicitus est, temeraverit aut Regem ne-**
"**ce attrectaverit, aut potestate Regni cruerit**, aut **præ-**
"**sumptione tyrannica regni fastigium usurpaverit**: Ana-
"thema sit in conspectu Dei Patris, et Angelorum, Chri-
"sti, et Apostolorum ejus, Spiritus Sancti et Martyrum Chri-
"sti, atque ab Ecclesia Catholica, **Quam perjurio pro-**
"**phanaverit**, efficiatur extraneus, & ab omni cœtu Chri-
"stianorum alienus, cum omnibus impietatis suæ sociis,

quia

"quia oportet, ut una pœna teneat obnoxios, quos simi-
"lis error invenerit implicatos. Quod iterum, secun-
"do, et tertio, replicamus et acclamamus. Qui contra hanc
"nostram definitionem præsumpserint, Anathema, Marana-
"tha; hoc est, perditio in adventu Domini sint, et cum
"Judæ Scarioth partem habeant ipsi & socii sui, et cum Di-
"abolo et Angelis ejus æternis supplicijs condemnantur.
Amen.

FINIS.

A POSTSCRIPT.

MAny are the Presidents of Gods severe personal and National Judgements inflicted upon perfideous perjurious Infringers of their *Oaths* and *Covenants* to their lawfull *Soveraigns* and their *Heirs*, both at home and abroad: For domestique Presidents of this nature, I haue presented you with some signal ones, in *the Second Part of my Legal and Historical Vindication of the Fundamental Liberties, Rights and Laws of* England, *London* 1655. p. 29 to 37, 44, 46, 47, 56, 57, 60, to 65, 79, 80. & Part 3. p. 23. 31, 54, 55, 58, 85, 97, 98, 102, 103, 106, 136, 138, to 146, 170, to 175, 201, to 229, 254, 256, 258. 260, 266, 267, 322, to 327, 333, to 370. before the Conquest. The like Presidents since, you may peruse in *Henrici Huntindonensis*, Hist. l. 8. p. 291, 292, 293. *Rogeri de Hoveden Annalium pars prior*, p. 483. *Holinshed*, *vol* 3. p. 46. and Doctor *Beards Theatre of Gods Judgements*, Book 1. ch. 28. I shall instance only in two remarkable forein Examples of this kind.

The first is in the usurping *c Emperour Rodulph*, Duke of *Swethland*. Pope *Hildebrand*, antichristanly Excommuni-

a See Huntindon Hist. l. 7. p. 367, 368. Hoveden Annal pars prior, p. 449.

b Caronis Chronicon. Grimstons Imperial History, in the life of Rodulph. Dr. Beards Theatre of Gods Judgements, l. 1. c. 28, p. 174 Henrici Mutii Chronicon Germaniæ, l. 15.

 cating

cating his Soveraign, the Emperour *Henry* the fourth, and absolving his Subjects from their Allegiance to him, profered the Empire to this Duke *Rodulph*: who remembring his *Oath* of Allegiance sworn by him to this *Emperor*, and how vile a part it would be for him to *betray* or *supplant* him *he had sworn to obey and defend*, at first refused the Popes offer; yet afterwards by the sophystry and perswasion of some Bishops, he accepted and took upon him the Title of *Emperour*, opposing his *Liege* Lord *Henry* in four several Battels fought between them for the Empire; in the last whereof being vanquished, he was sore wounded, and lost his right hand. When he was readie to die of his wounds, one brought his right hand cut off in the Battel unto him, which he beholding with much regret, in detestation of his *Perjury*, and *Treachery* through the *Popes* violence, brake forth into these memorable words in the presence of many Bishops who had perswaded him to this rebellion. *Behold here the right hand wherewith I swore faith and allegiance to my Liege Lord the Emperor* Henry: *this will be an argument of my breach of faith before God, and of your* **Trayterous impulsion and advice thereunto.** Which having uttered, he immediately expired of his wounds in a kinde of despairing manner, as the just punishment of his *Perjury* and *Treachery* by his own confession; *magnumque mundo documentum datum est, ut nemo contra Dominum suum consurgat Nam * abscissa* Rudolphi *dextera* **dignissimam perjurii vindictam demonstravit**, *qui fidem Domino suo Regi juratam violare non timuit, et tanquam alia vulnera non sufficerent, ad mortem accessit etiam hujus membri pœna*, **ut per pœnam agnosceretur et culpa**: as an *c Historian* of that age observes in the life of *Henry* the 4th. Let those perjurious perfidious Army-Saints and other *Grandees* who have taken, subscribed the precedent *Oathes*, *Protestation*, *League Covenant*, with hands layd upon the *Bible*, and lifted up to the most *high God*; and yet have since taken, subscribed with the self-same hands, an Oath and Ingagement diametrically contrary thereunto, to the destruction of our Kings, Kingdoms, Parliaments and their Privileges; and are still stretching out their perjured hands against the lawfull Heir and

* The right hand of a perjured person was to be cut off by sundry Laws: Constitutionum Sicularum l. 3. Tit. 59. Capit. Caroli Magni, l. 5. Tit. 125. Legis Longobardorum, l. 2 Tit. 58.

c Germaniæ Historiarum Tom. 1. Francofurti 1558. p. 383.

and Successor to the Crown, remember this sad president of *Rodulph* with fear and trembling.

To which I shall annex another sadder and more tragicall Spectacle, never to be forgotten; d *Vladislaus* King of *Hungary*, having made a Truce with *Amurath* the 2. (the sixt King of the Turkes) which he sealed and swore unto in the name of Christ: by the command of Pope *Eugenius*, and perswasions of his Legat, *Cardinal Julian* and other Prelates, who absolved him from this Oath, he violated it in a most perfidious manner, and soon after taking *Amurath* unprovided to fight, gave him battle at *Varna* with a puissant Army, and was likely to rout him upon the first encounter. Upon which occasion *Amurath* being in extream fear and danger, beholding the *Crucifix* in the displayed ensigns of the Christians, plucks the writing out of his bosome wherein the League was comprised, and holding it in his hands with his eyes cast up to heaven, used these words. *Behold thou crucified Christ*, **This is the League thy Christians in thy Name have made with, and sworn to me**; *which yet they have without any cause on my part, violated; Now if thou be a God, as they say thou art, and as we dream*, **Revenge the wrong now done unto thy Name and me, and shew thy Power upon thy perjurious People, who in their Deeds deny thee to be their God**. Upon the uttering of which words, the Battel presently turned, *Huniades*, that valiant General and the *Hungarians* fled, the whole Army was routed, many thousands of them slain, and taken Prisoners; perjured King *Vladislaus*, *Cardinal Julian*, with most of the Prelates and Nobles who perswaded him to this breach of Faith slain in the field; the greatest part of *Hungary* overrun, gained, and ever since possessed by the Turks, *Vdalislaus* his head cut off in the Battel, after was fixed on a pole, carried through *Grecia* and *Asia* in triumph, and shewed to the people as a monument of Gods justice on him for his perjury. And will not the blood of our beheaded King, the disinheriting of his Heir and Successor, the abjuration of Kingship it self, & the House of Lord, the subvertion of all the Rights, Freedom

d Æneæ Picolominei Cardinalis Status Europæ sub Frederico 3. c.4. Knolls Turkish History, p. 297, 298.

doms, Privileges of Parliament, by those in late and present power, against all the premised Oaths, Protestations, Soleman Leagne and Covenant, sworn by them in the name, presence of God himself, and the Lord Jesus Christ, with hands laid on the Evangelists, and lifted up to Heaven, and then subscribed for a perpetual Memorial; cry aloud to God and Christ for the like avenging Justice from Heaven against the perjurious Infringers of them in a far higher degre than *Vladislaus* was guilty of, if spread and held up before them by the disinherited King and Lords? No doubt it will in Gods due time, if not speedily, really and deeply bewailed repented of, by a plenarie satisfaction and restitution: *And cause God to shake out every man (and his Posterity too) from his House, and from his labour, and empty him and his* of all present honours and enjoyments, (as *Nehemiah shaked and emptied his lap,*) *that performeth not these Oaths, Protestation, League, Covenant, to which he and all the Congregation have said Amen*, Neh. 5. 12, 13. "Since the every *Pagan Græcians*, and *Romanes* insinuated as much in the Ceremonies "of their sacred Oaths, wherein they prayed, That if they did "not faithfully observe them without guile, that *Jove* and "the other Gods would smite and slay them as they did the "lamb they then sacrificed to them, and that they might "be cast out and perish like the stone they threw out of their "hands when they swore; the Religion of an Oath, being "so great amongst the very Heathens, that they thought all "human Society abolished with its violation, and those "persons unworthy to live or breath amongst men, who "durst presume to infringe it, though to their losse and "prejudice. And shall they not condemn us Christians, and those most refined *Saints* of this Age, who like the perfidious Atheistecal *f Carthagenians, Thessalonians*, and *Parthians*, regard neither *God*, nor *Altars*, nor *Covenants*, nor *Oaths*, *no farther than they serve their turnes to cheat and circumvent men*; to whom profit is more sacred than *Faith* or *Oaths*? No doubt they will.

e Titus Livius Hist. l. 1. & 20. Cælius Rhodiginus. Antiqu. Lect. l. 21. c. 15. Alexander ab Alexandro, Gen. Dierum l. 5. c. 10. Grotius de Jure Belli. l. 2. c. 13.

f Alexander ab Alexandro l. 5. c. 10.

Ezech. 17, 18, 19, 20, 21. *Seeing he despised the Oath by breaking*

breaking the Covenant, (when lo, he had given his hand) and hath done all these things, he shall not escape. Therefore thus saith the Lord GOD, As I live, surely mine Oath that he hath despised, and my Covenant which he hath broken, even it will I recompence upon his own head. And I will spread my net upon him, and he shall be taken in my Snare, And I will bring him to Babilon, *and will plead with him there, for his Trespasses that he hath trespassed against me. And all his Fugitives, with all his Bands shall fall by the sword, and they that remain shall be scattered towards all Windes; and ye shall know, that I the* LORD *have spoken it.*

FINIS.

ERRATA.

P. 13. l. 6. 1647. r. 1657. p. 16. l. 6. Justification, r. *Prevarication.* p. 18. l. 2. Meetings, r. *Mutinies.*

Margin. P. 23. l. 7. r. *Sacramenti.*

A FULL

Declaration

Of the true State of the SECLUDED MEMBERS

CASE.

IN

Vindication of Themselves, and their Privileges, and of the respective *Counties*, *Cities* and *Boroughs* for which they were elected to serve in *Parliament*, against the Vote of their *Discharge*, published in print, *Jan.* 5. 1659. by their *Fellow Members.*

Compiled and published by some of the *Secluded Members*, who could meet with safety and conveniencie, without danger of a forcible surprize by *Red-coats.*

Mal. 2. 10. *Have we not all one Father? Hath not one God created us? Why do we deal treacherously every man against his Brother, by prophaning the Covenant of our Fathers?*

1 Cor. 6. 8. *Nay, you do wrong and defraud, and that your Brethren.*

LONDON *Printed, and are to be sold by* Edward Thomas, *at the* Adam *and* Eve *in* Little Britain. 1660.

A FULL

DECLARATION

OF THE

True State of the matter of *Fact*,

Concerning the

SECLUDED MEMBERS

OF THE

House of Commons

OF THE

Parliament,

Begun at WESTMINSTER, November 3d. 1640.

FOr the clearer ſtating of their Caſe, it will be neceſſary to have a retroſpect to the year 1642. and to obſerve down-wards ſuch Proceedings, as had a direct influence upon this matter. In order whereunto it muſt be conſidered, that in the ſaid year, ſome miſ-under-

standings arising between the *King*, and his two *Houses of Parliament*, *concerning some evil Counsellors about the King*, at which style his *Majesty* took offence, the two *Houses* in their (a) *Declaration* of the 19. of *May* 1642. have this expression in answer thereunto, *We his Majesties loyal and dutifull Subjects, can use no other style, according to that Maxim in the Law*, the King can do no wrong: *but if any ill be committed in matter of State, the Council; or in matters of Justice, the Judges must answer for it.* They add further, (b) *We cannot but justly think, that if there be a continuance of such ill Counsellors, they will by some wicked device or other make the Bill for the* Triennial Parliament, *and those other* excellent Laws passed this Parliament, *of no value; And we are resolved, the gracious favour of his Majestie expressed in that excellent Bill, for the continuance of this Parliament, and the advantage and security which thereby we have from being dissolved, shall not incourage us to do any thing which otherwise had not been fit to have been done.*

a *Exact Collection p.199.*

b *Ibid. p. 203.*

And after by their (c) *Remonstr:* of the 26 of *May* 1642. they gave this as a Character of those *evil Counsellors*, viz. *These are the men that would perswade the People, that both Houses of Parliament containing all the Peers, and representing all the Commons of England, would destroy the Laws of the Land, and Liberties of the People: wherein, besides the trust of the whole, they themselves in their own particulars, have so great an interest of honour and estate, That we hope it will gain little credit, with any that have the least use of reason, that such as must have so great a share in the misery, should take so much pains in the procuring thereof; and spend so much time, and run so many hazards to make themselves slaves.* And they conclude that *Declaration* with these words: *We doubt not but it shall in the end appear to all the world, that our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the Kings just Prerogatives, the Laws and Liberties of the Land, and the Privileges of Parliament: in which endeavours by the grace of God we will still persist, though we should perish in the work: which if it should be, it is much to be feared, that Religion, Laws, Liberties and Parliaments, would not be long lived after Us.*

c *Ibid. p. 264, 281.*

Jea-

Jealousies and differences increasing between the *King* and the two *Houses*, they came at length to an open war; in the entrance whereunto, the *Lords* and *Commons* assembled in Parliament, published a *Declaration* in *Aug.* 1642. in the preamble whereunto they assert; d *That a Malignant party was then in armes against them, to the hazarding of his Majesties Person, and for the oppression of the true Religion, the Laws and Liberties of this Kingdom, and the power and Privilege of Parliament: all which every honest man is bound to defend; especially those who have taken the late* Protestation, *by which they are more particularly tyed unto it, and the more answerable before God should they neglect it. And finding themselves engaged on a necessity to take up armes likewise for the defence of those, which otherwise must suffer and perish; they did then think fit, to give that account unto the world, to be a satisfaction unto all men, of the justice of their proceedings, and a warning to the People, to let them see the necessity and duty which lay upon them to save themselves, their Religion and Country.* In the body of the e *Declaration* they charge the *Malignant party*, with an *endeavour to possess the People, that the Parliament will take away the Law, and introduce an Arbitrary Government; a thing which every moral man abhors, much more the wisedom, justice, and piety of the two Houses of Parliament; and in truth such a charge, as no rational man can believe it, it being impossible so many several persons, as the Houses of Parliament consist of, about* * 600. *and in either House all of equal power, should all of them, or at least the* Major part, *agree in Acts of will and Tyranny, which make up an Arbitrary Government; and most improbable, that the Nobility, and chief Gentry of this Kingdom, should conspire to take away the Law, by which they enjoy their Estates, are protected from any Act of violence and power, and differenced from the meaner sort of people, with whom otherwise they would be but fellow-servants.* They then further charge the said *malignant party* f to have *combined to bury the happiness of the Kingdom, in the ruine of the Parliament, and by forcing it to cut up the freedom of Parliament by the root, and either take all Parliaments away, or which is worse, make them the instruments of Slavery,*

d *Exact Collection*, p. 491.

e *Ibid.* p. 494.

* Nota.

f *Exact Collection*, p. 494, 496.

Slavery to confirm it by Law; and leave the disease incurable: With compelling the trained Bands *by force, to come in and joyn with them, or disarming them, and putting their arms into the hands of lewd and desperate persons, thereby turning the Arms of the Kingdom against itself; And with an intention to destroy the Parliament, and be Masters of our Religion and Liberties, to make us slaves, and alter the Government of this Kingdom, and reduce it to the condition of some other Countries, which are not governed by Parliaments, and so by Laws.* And upon these grounds they conclude that *Declaration* in these words. g *Therefore we the Lords and Commons are resolved, to expose our lives and fortunes for the defence and maintenance of the true Religion, the Kings person, honour and estate, the power and privilege of Parliament, and the just rights and liberties of the Subject. And for the prevention of this mischievous design, the alteration of our Religion. And we do here require all those who have any sence of piety, honor or compassion to help a distressed State, especially such as have taken the* Protestation, *and are bound in the same duty with us unto their God, their King and Country, to come in unto our aid and assistance, this being the true cause for which we raise an Army, under the command of the* Earl of Essex, *with whom in this Quarrel we resolve to live and dye.*

g Exact Collect. p. 497.

And in the *Declaration* and Resolution of both *Houses*, in answer to the Kings *Proclamation* against the h *Earl of Essex*, they have these words, viz. *And whereas the Lords and Commons in Parliament, did formerly choose the Earl of* Essex *to be Captain General of such forces as are or shall be raised for the maintenance of the true Protestant Religion, the Kings person, the law of the Land, the peace of the Kingdom, the liberty and propriety of the Subject and rights and privileges of Parliament; the said Lords and Commons do declare, That they will maintain and assist him, and adhere unto him the said Earl, with their lives and estates in the sem Cause, as in conscience and duty to God, the King and their Country, they are bound to do.* And the i *Petition* of both Houses sent to the King by the Earl of Essex, when he marched in the head of the Parliaments army saith, *That they have for the just and necessary defence*

h Ibid. p. 509.

i Exact Collection, p. 657.

defence of the Protestant Religion, of his Majesties Person, Crown and Dignity, of the Laws and Liberties of the Kingdom, and the Privilege and power of Parliament, taken up arms.

The two Houses of Parliament having thus taken up arms, and declared the cause thereof, no successe made them in the least to vary from it; but in the very heat of the war, and whole prosecution thereof to the end, they asserted and adhered to the same cause, as appears in all their Remonstrances, Declarations, Orders and Ordinances, during the war: which being over-tedious to transcribe at large, some material passages to that effect, shall only be inserted, viz. In the (*k*) *Directions* from both *Houses*, given to the *Earl* of *Essex*, General of the Army; the cause is asserted to be, *in defence of Religion, his Majesties Person, the Liberties and Laws of the Kingdom, and Privilege of Parliament*

k Exact Collection, p. 632, &c.

And in the *l Declaration*, and *Protestation* of the Lords and Commons in Parliament to this Kingdom, and to the *whole world*, Dat. Octob. 22. 1642. (*a day before the battel of Edghil, ordered to be read in all Churches and Chapels*) wherein they expresse their resolution, to enter into a *solemn Oath and Covenant with God*, they conclude *with these words, viz. We doubt not but the God of truth, and the great Protector of his people, will assist and enable us, in this our just defence, to restrain the Malice and fury of those that seek our ruine, and to secure the Persons, estates, and Liberties of all that joyn with us: and to procure and establish the safety of Religion, and fruition of our Laws and Liberties, in this and all other his Majesties dominions; which we do here again protesse before the ever-living God, to be the chief end of all our Counsels and resolutions, without any intention or desire to hurt or injure his Majestie, either in his Person or just power.*

l Exact Collection, p. 666.

And whereas in the *m Kings Proclamation* of the 24. of Octob. 1642. It is alledged, *that the war raised against him, was to take away his life, to destroy his posterity, to change the Protestant Religion, to suppresse the Law of the Kingdom, and to take away the Liberty of the Subject, and to subject both to an arbitrary power*; And in one of his Majesties *Declarations*, there

m Exact Collection, p. 773.

there was this allegation, *That the Army raised by the Parliament, was to depose the King*; Thereupon both Houses of Parliament in a Declaration after the bloody battel of Edghill, in answer to this Charge and Declaration, have these words, (n) *We hoped the contrivers of that Declaration, or any that professed but the name of a Christian, could not have so little charity as to raise such a scandal, especially when they must needs know the* Protestation *taken by every Member of both Houses, whereby they promise in the presence of almighty God, to defend his Majesties Person; the promise and* Protestation *made by the Members of both Houses, upon the nomination of the Earl of Essex to be General, and to live and dy with him; wherein is expressed, that this Army was raised for the defence of the Kings Person. And in the same Declaration, they rejoyce that his Majestie, and his Children escaped danger in that Battel.*

n Exact Collection, p. 657, 658. 663, 664.

In the (o) *Remonstrance* of the Lords and Commons of the 2d. of *Nov.* 1642. there is this passage. *As God is witnesse of our thoughts, so shall our actions witnesse to all the world, that to the honour of our Religion, and of those that are most zealous in it, we shall suffer more from and for our Soveraign, than we hope God will ever permit the malice of wicked Counsellors to put us to; and though the happiness of this and all Kingdoms dependeth chiefly upon God, yet we acknowledge that it doth so mainly depend upon his Majestie, and the royal branches of that root, that as we have heretofore, so we shall hereafter esteem no hazard too great, no reproach too vile, but that we shall willingly go through the one, and undergo the other, that we and the whole Kingdom, may enjoy that happiness which we cannot in an ordinary way of providence expect from any other fountain or streams, than those from whence (were the poyson of evil Councils, once removed from about them) we doubt not but we and the whole Kingdom should be satisfied abundantly.* The same Remonstrance also hath these words. (p) *We do not say the Royal assent is not requisite in the passing of Laws, nor do, or ever did we say,* That because his Majestie is bound to give his consent to good Laws, presented to him by his people in Parliament, *that therefore they shall be Laws without*

o Exact Collection, p. 696.

p Ibidem p. 697.

out his consent, or at all obligatory: saving only for the necessary preservation of the Kingdom, whilst that necessity lasted, and such consent cannot be obtained. And again, (q) *We did and do say, that the Soveraign power, doth reside in the King, and both Houses of Parliament.* It follows in the same Remonstrance, (r) *Having the honour of God, and of his Majestie, and the peace, freedom and prosperity of this Kingdom, chiefly before our eyes in our Propositions, and in all our actions, we rest assured, that both God and man, will abhor and abominate that monstrous and most injurious charge, laid upon the Representative body of this whole Kingdom,* **Designing the ruine, not only of his Majesties person, but of Monarchy it self:** *and we appeal to all the world, whether worse words than these can be given us; And whether it be not high time for us to stand upon our defence, which nature teacheth every man to provide for, and this Kingdom (unlesse it be very unnatural, and very unmindfull of it self) cannot but afford to them, whom it hath intrusted, and by whom it is represented; and if the* Major part *of both Houses, may sit free from force, we doubt not, but that they will not only make it good, that they have done themselves and the whole Kingdom right in their Declarations, and offered no wrong, nor done any prejudice at all to his Majestie, but also be very sensible of the great indignity offered to the representative body of this whole Kingdom, by the contrivers of the Kings answer, and will make such persons (that delight to soul their own nests, and to cast dirt in the face of the Kingdom) instances of their exemplary justice, so soon as they shall be discovered, and brand both them and their doctrin with the marks of their perpetual scorn and indignation.* And for a *tast of their horrid doctrine,* these Particulars are mentioned from the *Declaration,* that *Remonstrance* answers, viz. (s) *That his Majestie, or any other Person, may upon suggestions and pretences of Treason, Felony, or breach of the peace, take the Members of Parliament, out of either House of Parliament, without giving satisfaction to the House whereof they are Members, of the ground of such suggestion or accusation, and without and against their consent, so they may dismember a Parliament when they please, and make it what they will, when they will.*

q Exact Collection, p. 727.

r P. 728.

s P. 729.

That the Representative body of the whole Kingdom, is a faction of Malignant, Scismatical and Ambitious Persons, whose design is and alwaies hath been, to alter the whole frame of Government, both of Church and State, and to subject both King and people to their own lawlesse arbitrary power and Government, and that they design the ruine of his Majesties person, and of Monarchy it self, and consequently that they are Traytors, and all the Kingdom with them (for their Act is the Act of the whole Kingdom) and whether their punishment and ruine may not also involve the whole Kingdom in conclusion, and reduce it into the condition of a Conquered Nation; *no man can tell, but experience showeth us, that success often draws men not only beyond their professions, but also many times beyond their intentions.*

Likewise in the (t) *Declaration* of both Houses, *dated Novemb.* 7. 1642. for the encouragement of the Apprentices, to list themselves under the *Earl of Warwick*, the *cause* is declared to be, *for the defence of Religion, and liberty of the Kingdom, his Majesties royal Person, the Parliament, and the City of London.*

t Exact Collection, p. 736.

In the (u) *Declaration* of the Lords and Commons of the 17th. of *December*, 1642. The *Parliaments Army is said to be raised for the necessary defence of the true Protestant Religion, the King, Parliament and Kingdom.*

u Ibid. p. 802.

And in the (x) *Declaration* of both Houses concerning a *Treaty of peace* made by *Cheshire* alone, it is held forth, *That they ought not to withdraw themselves from the common cause, but to joyn with the Parliament in the defence of the Religion, and liberty of the whole Kingdom, and with them to labour by all good means to procure a general peace and protection from the King for all his Subjects, according to their general Protestation.* In like manner in the (y) *Declaration* of the 7th. of *January* 1642. for a *subscription of money and plate for supply of the Army*, the cause of the war is expressed to be, *for the preservation of Religion, as well as the just and undoubted power and privilege of Parliament, our Lawes and Liberties from most apparent destruction.*

x Ibid. p. 823.

y Ibid. p. 329.

And in the (z) preamble to the *Propositions* of both Houses tendred to his Majesty, *Febr.* 1. 1642. they say, *That they took up Arms for the defence of our Religion, laws, liber-*

z Ibid. p. 907.

liberties, privileges of Parliament, and for the sitting of the Parliament in safety.

Likewise in the first (a) *Ordinances* for a general weekly Assessment, wherein the whole Kingdom was to be satisfied, *That they might freely pay their money, the same cause is held forth.*

The (b) *Associations* also of the several Counties of the Kingdom were setled for the *same cause.*

In the year 1643. (c) *The Solemn League and Covenant* was taken by all Members of *Parliament*, and throughout the Kingdom, in maintenance of the same *cause*, as appears by the *Covenant, and the Exhortation to the taking of the same.*

The Kingdom of *Scotland* engaged with us in the same *cause.* And all (d) *Commissions* to the *Generals* and Army-Officers were in the name of *King and Parliament.*

And when a new *Army* was raised of 20000. men under the command of Sir *Tho. Fairfax*, by (e) *Ordinance* of both Houses dated the 13th. of *Febr.* 1644. it is held forth to be, *for the defence of the King and Parliament, the true Protestant Religion, the laws and liberties of the Kingdom.*

An Ordinance, dated 3. *Aug.* 1647. for raising of forces to be commanded by Sir *William Waller*, is *for defence of the King, Kingdom, Parliament and City.*

Lastly, (to mention no more) towards the end of the war the *House of Commons* alone published a memorable (f) *Declaration*, dated the 17th. of *April*, 1646. called, *A Declaration of their true Intentions concerning the antient Government of the Kingdom, and securing the people against all arbitrary Government, &c.* Wherein remembring the aspersions cast upon them in the beginning of the war, "and that the same *Spirits* were still working and mis-re-"presenting their intentions, and not ceasing aswell in "print as otherwise, to beget a Belief, that they then de-"sired to exceed or swerve from their first aims and prin-"ciples in the undertaking of this war, and to recede from "the Solemn League and Covenant, and Treaties be-"twixt the two Kingdoms, and that they would pro-"long the troubles and distractions in order to alter the

a Exact Collection, p. 932. & Appendix, p. 4.

b A Collection of Orders and Ordinances of Parliament in fol. p. 807, 816, 890.

c A Collection, &c. p. 422, 424.

d A Collect. p. 496.

e. Essex title.

e Ibid. p. 599.

f Ibid. p. 877, 878, 879.

"fundamental constitution and frame of this Kingdom, "to leave all Government in the Church loose and unset-"led, and our selves to exercise the same Arbitrary pow-"er over the Persons and Estates of the Subjects, which "this present Parliament hath thought fit to abolish, by "taking away the *Star-chamber, High Commission, and other* "*Arbitrary Courts, and the exorbitant power of the Council-*"*Table*; All which being seriously considered by "them, and fore-seeing, that if credit were given to such "dangerous insinuations and false surmises, the same "would not only continue the then calamity, and involve "us into new and unexpected imbroylments: but like-"wise inevitably endanger the happy issue and success "of their endeavours, which by Gods blessing they "might otherwise hope for; they did declare in these "words; We do declare, That our true and real inten-"tions are, and our endeavours shall be, to settle Religi-"on in the purity thereof, according to the Covenant, to "maintain the antient and fundamental Government of "this Kingdom, to preserve the right and liberty of the "Subject, to lay hold of the first opportunity of procu-"ring a safe and well-grounded peace in the three King-"doms, and to keep a good understanding between the "two Kingdoms of *England* and *Scotland*, according to "the grounds expressed in the Solemn League and Co-"venant, and Treaties, which we desire may be invio-"lably observed on both parts.

"And lest these Generals should not give a sufficient "satisfaction, they thought fit, to the end men might be "no longer abused in a misbelief in their intentions, or a "mis-understanding of their Actions, to make further in-"largement upon the particulars, most worthy a diligent perusal and consideration. Amongst which they have this observable passage, *viz.* "And whereas a safe and "good peace is the right end of a just war, there is no-"thing we have more earnestly desired, nor more con-"stantly laboured after, and to that purpose both Houses "of Parliament have framed several Propositions to be

sent

"sent to the King; wherein **We are so far from altering "the fundamental Constitution and Government of this "Kingdom, by King, Lords and Commons**, that we "have only desired, that with the consent of the King "such Powers may be settled in the two Houses, without "which we can have no assurance, but that the like or "greater mischiefs than these, which God hath hither-"to delivered us from, may break out again, and ingage "us in a second and more destructive war. Whereby it "plainly appears, our intentions are not to change the an-"tient frame of Government within this Kingdom, but to "obtain the end of the primitive institution of all Go-"vernment, the safety and weal of the people.

"And then that *Declaration* concludes thus, And for "the Covenant, we have been and ever shall be very care-"full to observe the same, that as nothing hath been "done, so nothing shall be done by us repugnant to the "true meaning and intention thereof, nor will we depart "from those grounds and principles upon which it was "framed and founded.

This *Tocl.* was then esteemed of that moment, to quiet the Jealousies, and settle the Distempers of the Kingdom, (g) that 4000 of them were ordered to be printed for the "use of the Parliament. And the Knights and Burgesses "ordered, to take care for the speedy sending down and "publishing them in the respective Counties and places "for which they served. And by special order of the "House, Sir *Arthur Haslerig*, Sir *John Eveling*, and two "others, were to take care that the printed Declarations "were published, set up, and fixed in every Parish-Church "by the Church-wardens, or other Officers of the said "Parish, which they were by the said Order required "and enjoyned to see published, set up and fixed in the "said Parish-Church accordingly. Way being thus made to the Narrative and Treaty, we proceed.

g Ibid. P. 877

The two Houses of Parliament, having thus for the space of six years or thereabouts, been ingaged in a war, *for the defence and maintenance of the Protestant Religion, the Kings person,*

person, honour and Estate, and his Royal Posterity, the power and Privileges of Parliament, and the Laws and Liberties of the Kingdom, as appears by all their said *Declarations, Orders, Ordenances* and publick writings, in the prosecution whereof, they did also declare, * *That there was a design carried on by the forces levied against the Parliament, to alter our religion, and the antient frame and constitution of the Government, both in Church and State, and the laws and liberties of the Kingdom, and to introduce Popery and Idolatry, together with an Arbitrary form of Government.* And having in the heat of the war, sent *Propositions* several times, and entred into divers Treaties with his late Majesty, for a safe and well-grounded peace, which had not the desired effect; at the close of the war, finding the distempers of the Kingdom continued, though all adverse Armies and Garrisons were reduced, and well remembring, that in the begining of the war, *they had called God to witnesse, that the safety of the Kingdom and peace of the people was their only aime*; They did in *July* 1648. resolve upon a *personal Treaty with the King*, the general desires of the City of *London*, and the rest of the people concurring therewith. And in pursuance thereof the Commons assembled in Parliament, that they might have a full House, published the following Declaration.

* Exact Collection, p. 491, 492.498, 508, 567, 570, 574, 617, 631, 636, to 677. 812, 813. 814, 816, 826, 827, 832. 834, 890, 891, 898. 902, to 920.

Die Martis 5. *Septembris* 1648.

A *Declaration* of the Commons assembled in Parliament, Concerning the *Summoning of the Members* to attend the House on *Tuesday* the 26. of *Septemb.* 1648.

WHereas, both Houses of Parliament have agreed upon A Personal Treaty with his Majestie, which is speedily to commence, for the management whereof, the * attendance of all the Members of Parliament, will be very necessary, because in the Multitude of Counsellors there is safety, and in the successe thereof, the Alaying of the present distempers, and future happinesse of this Kingdom, is so highly concerned; It is therefore ordered and declared by the Commons assembled in Parliament, that the respective Sheriffs of each County

* None therefore, much lesse the Majority of them may or ought to be suspended or secluded by the Minority, or armed force.

County, within the Kingdom of *England*, and Dominion of *Wales*, do forthwith upon receipt hereof, give particular notice to all the Members of the House of Commons, residing and being within their respective Counties, to attend the House on Tuesday the 6. of September under the penalty of twenty pounds, fined upon the defaultors; that day being appointed for calling of the House.

The Members attended from all parts accordingly, and there were appointed the Earls of *Northumberland*, *Pembrook*, *Salisbury*, *Middlesex*, and the Lord *Say*, for the Lords House; And Mr. *William Pierpoint*, Sir *Henry Vane*, Junior, and eight more of the House of Commons, Commissioners to carry on the *Treaty* with his Majestie, at the Isle of *Wight*; who took great pains therein, and finished the Treaty by the end of *November*. And on *December* the first, the Commissioners of the House of *Commons*, made their report of the *Treaty* in the House; who presently entred into debate thereof, and continued the debate, *Dec.* 2d. 3d. 4th. & 5th. when after a long and serious debate, in a full House (notwithstanding the Menaces of the *Army*, who had marched up to *London*, and *Westminster*, contrary to the Orders of the House, removed their own guards, and put new ones upon them, and their insolent and Rebellious *Declaration* of the 20th. of *Novemb.* 1648.) they came to this resolution without any division of the House, viz.

Die Martis 5. *Decembris* 1648.

Resolved upon the Question, That the Answers of the King to the Propositions of both Houses, are a ground for the House to proceed upon, for the settlement of the peace of the Kingdom.

The just grounds and reasons of which vote, do partly appear in all the forecited *Declarations*, and proceedings of both Houses during the War, the Oaths, Protestation, League and Covenant, they took as Members; the Writs by which they were elected, and the *Indentures* by which we were returned, impowered, intrusted; but more particularly in the Vindication of the imprisoned and secluded Members of the Commons House, from the aspersions

sions cast upon them, and the majority of the House, in "a printed Paper of the Gen. Council of Officers, *Jan.* 3. in "answer to the Demands of the Commons assembled in "Parliament, concerning the securing or secluding the "Members, *Jan.* 20. 1648. and * much more might be ad-"ded, if that were our present work; but intending a "bare *Narrative* of matter of fact, we proceed.

* See Mr. Prynnes Speech, Decemb. 4. 1648.

The same day the House appointed a *Committee*, viz. Mr. *William Peirpoint, and others to go to the Officers of the Army for the preserving of a right understanding and good correspondency between the House, and the General and Army.* The Committee repairing to the head Quarters that Afternoon, were so rudely entertained, that some of them were *secured* by the Army-Officers, and the rest put off and slighted without any conference that day.

The Members comming in the usual manner to the House on *Wednesday* the 6. of *Dec.* the Army-Officers (contrary to orders of the House) having sent divers Regiments of Horse and Foot early in the morning to *Westminster* in a hostile manner, they placed themselves in the Palace-yard, Court of Requests, the Hall, Court of Wards, the Stairs, and the Lobby of the House, and all the avenues, to imprison and seclude those Members who assented to the Vote; Colonel *Pride* and other Officers who commanded the Guards having in their hands an *Alphabetical List* of the Members names designed to be secured and secluded, *given them* (as they confessed) *by some of the dissenting Members:* above forty of them were imprisoned, and above a hundred more of them forcibly secluded that very day, and the next, and * two pulled out of the House it self, into which they were got before the Officers espyed them. The 43. Members they had seised (being the legal number of a House capable to vote) they secured that day in the *Queens Court*, and afterwards elswhere for several daies; using them in a barbarous and inhuman manner, forcing them the first night (though divers of them grave aged Persons of Quality, and tenderly bred,) in that cold frosty snowy weather, to lye upon the bare

* Mr. Edward Stephens, and Col. Birch.

Boards

Boards, in a place called *Hell* in *Westminster*, and next night (after a whole daies attendance on them at *Whitehall*, without vouchsafing to speak with any of them, though sent for & carried thither to confer with them) sent them Prisoners to the *Kings Head* and *Swan* in the *Strand*, through the Snow and dirt, guarded with three Musquiteers apiece, and Horse besides, like the *vilest Felons* and *Traytors*, in such sort as no Prisoners of war, of any quality, were ever used by them, and detained most of them Prisoners sundry weeks at the said *Common Innes*, though many of them had Houses of their own in Town, sending some of them close Prisoners to St. *James*, and afterwards to *Windsor Castle*, and other Garrisons divers years space, without the least particular accusation, impeachment, hearing or tryal, their dissenting Fellow-Members then sitting, not so much as compassionating their barbarous usages, or taking any effectual course for their inlargement.

Those few Members permitted by the Army to sit, *Dec.* 6. had yet so much seeming resentment of this greatest and most horrid Violation of the privileges of Parliament, ever attempted in any age, that as it appears in the *Journall* of the House, *Wednesday* the sixt of *December*, 1648. "The House being informed, that divers Members com-"ming to attend the House were stayed and carryed to "the Queens Court or Court of Wards, commanded the "Serjeant to go to them, and require them to attend the "House.

Mr. Serjant brings word, "That he signified to the Mem-"bers in the Queens Court, *viz.* That it was the pleasure "of the House, that they should forthwith come and "attend the House: the Members seemed willing to con-"sent, but an Officer there gave him this Answer, that he "could not suffer them to come, untill he had received "his Orders which he had sent for.

The same day Lieut. Col. *Axtel*, & others coming with a Message from the *General*, *they were twice called in*, and acquainted the House, "That his Excellency the Lord "General, and the General Council of Officers had com-

"manded them to acquaint the House, that they had "something to declare to this House this morning, of very great concernment, which will be presently ready "for their view". This seems to be a Message sent to prevent the House rising before they came, their *Proposals* not being yet ready. Mr. *Speaker* returned answer, *that the House will be ready to receive it.* Some space after, the Officers from the *General*, coming to the door, they were called in, and * Col. *Whaley* acquainted the House, *that they were commanded by his Excellency* the Lord General, *and* the General Council of the Officers, *to present something to this House, the which the Officers being without was read*, and was directed, To the Honorable the Commons of *England*, in Parliament assembled, *and Entitled*; *The humble Proposals and desire of his Excellency the Lord General, and the General Council of Officers, Decemb.* 6. 1648. *in order to a speedy prosecution of justice, and the settlement, formerly propounded by them.*

* The Army Officers had thrice accesse into the House, the very day they secured and secluded the Members out of it.

The said *Proposals* were ushered in with two words, *propound* and *demand*, language unfit for a Parliament, and stuft with *falsehoods*, and *unjust scandals* against the imprisoned and secluded Members; and chiefly they took particular notice of the "Vote of the said 5. of *Decemb.* charging the said Members with breach of Trust therein, and "desired, that all such faithfull Members, who are innocent of the said Vote, would immediatly by Protestation "or publick Declaration, acquit themselves from the "guilt of concurrence in the said Vote, that the Kingdom "may know who they are that have kept their trust, and "distinguish them from the rest, that have thus falsified "the same; and that all such, as cannot or shall not so acquit themselves particularly, may be immediately excluded and suspended the House, and not re-admitted, untill they shall have given clear satisfaction therein, to "the judgement of those who now so acquit themselves, "and the ground of such satisfaction be published to the "Kingdom.

Notwithstanding these *Proposals*, the House then "resolved

"red, that the Committee formerly appointed, do con-
"fer with the General for discharge of the Members.

Thursday the 7th. of *December* 1648. (as appears by the entries in the *Journal*) A Letter from Sir *Thomas Dacres*, and Mr. *Doddridge*, dated the same day, *half an hour past 9. in the morning*, was read in the *House*, signifying, *that coming to attend the House to do their duties, they were kept back by force.* The like *signification* was made of *the like usage* to Sir *Edward Partridge*. Also a Letter from *Westminster*, 7th. *Decemb.* 1648. from Sir *Martin Lumley*, Sir *John Temple*, *George Booth*, *Thomas Waller*, *Thomas Middleton*, Mr. *Brampton Gurdon*, *Esay Thomas*, and *Arthur Owen*, signifying *their restraint from coming to the House, to do their duty there, by some of the Souldiers of the Army.*

The same day Mr. *Pierpoint* delivers in *two papers* from the *conference* with the *General*, appointed by order yesterday, *for the discharge of the Members*, the which were read, viz.

The Committees first Paper.

WE *having command from the* House of Commons, *to let your* Excellency *know, that divers Members of the* House of Commons, *are this day taken and detained by your* Excellencies *Army: It is their pleasure, that* **they be discharged; for which we desire** your Excellencies **present order, that it may be done accordingly.**

The *General*, and *General Council of Officers answer.*

Having seen the *Order*, upon which your last paper is given in, we do not conceive it to be the *positive pleasure of the House, *that the Members be discharged*; But concerning *their discharge*, for which you are appointed to confer, so soon as we shall receive the *Resolution of the House, upon that paper, this day sent in by us to the House*, which concerns those Persons detained, we shall then be prepared, to give you answerable satisfaction, in relation to that particular.

* A pretty distinction to evade their Order.

The Committees second Paper.

IN *answer to your Paper of the sixt of* Decemb. *instant, now delivered, wherein you do refer to a Paper, sent by you to the*

Commons, we affirm, that since the reading of that paper by the House, it was expressed by them to be their positive pleasure, that the Members of that House, this day taken and detained, by some of the Officers and Souldiers of the Army, under your Excellencies command be forthwith discharged, and therefore we do insist that according to our former paper, the said Members be forthwith discharged

Nota

The General Council of Officers final answer.

IN return to your last paper, concerning *your insisting for the discharge of the Members*, we refer to our former answer, and have no more to say to that particular, till we receive the resolutions of the House upon our paper this day sent to them, *Decemb.* 6. 1648.

The House being thus twice baffled and positively disobeyed by the Officers, did nothing hereupon: Yet these demands of their release notwithstanding the Armies Proposals and Papers, evidence, that they did not deem their *Vote, any breach of their trust, or just ground for their seclusion.*

After this, several attempts were made by divers Members, which the Army still suffered to sit, viz. *William Pierpoint*, Esq; Sir *John Evelin* of Wilts, *William Ashurst*, Esq; Mr. *Nathaniel Stephens*, and many others, to have the so *highly broken privileges and Freedom of Parliament vindicated*, and pressed hard, *that* * *according to the constant course of Parliament, no proceedings might be till that were first done*; but labouring many daies in vain, and finding the force continued upon the House, and secluded Members, they also withdrew, and never sat since.

*Exact Collection, p. 36, to 60.

After their withdrawing, *Dec.* 12, & 13. the sitting Members *repealed and nulled the Votes of Iuly* 28. & *Dec.* 5. according to the *Armies Proposals*: and this was the first time the House declined their privileges. *Tuesday* the 14th. of *Dec.* 1648. The Question being propounded, that *A Committee do go unto the General, to know of him upon what ground the Members of the House are restrained, from coming to the House, by the Officers and Souldiers of the Army*,

The *House was divided.* The Yeas went forth.

Mr.

Mr. *Smith.* } Tellers for the Noes, 18.
Mr. *Martin.* }
Mr. *Cary.* } Tellers for the Yeas, 35
Mr. *Pury.* }

So it passed with the affirmative, for the Members.

Resolved, that a Committee do go unto the General, to know of him upon what ground, the Members of the House are restrained from coming to the House, by the Officers and Souldiers of the Army.

And a Committee was appointed accordingly. Hitherto the major part of the House, appeared sensible of their Privilege, though most of the Members were imprisoned, secluded, or withdrawn as aforesaid, and there were but 18. of 53. in the Negative.

Friday the 15th. of *Decemb.* A Committee was appointed to enquire, who Printed, contrived or published, the scandalous paper, Entituled, *A Solemn Protestation* of the imprisoned and secluded Members of the Commons House, against the horrid force and violence of the *Officers and Souldiers of the Army, on Wednesday and Thursday last*, being the 6. & 7. of *Decemb.* 1648. which did declare all proceedings in the House of Commons, null and void, during the forcible seclusion of the Majority of the Members, and the actual force upon the House, according to the *Ordinances of both Houses*, Aug. 20. 1647

And the same day an *Ordinance* passed both Houses, (when there were but 53. *Commons*, and 4. *Lords* present) against the said *Protestation*; judging and declaring, *the said printed paper to be false, scandalous and Seditious; And that all Persons, that have had any hand in, or given consent unto the contriving, framing, printing or publishing thereof, shall be adjudged, and hereby are adjudged, uncapable to bear any office, or have any place of trust or authority in this Kingdom, or to sit as Members of either House of Parliament.* And they did further order and ordain, *That every Member of either House, respectively then absent, upon his first coming to sit in that House whereof he is a Member, for the manifestation of his innocency, shall disown and disclaim his having had any hand*

in,

in, or giving consent unto the contriving, framing, printing or publishing of the said paper, or the matter therein contained.

But as no Member was charged with, or convicted in particular of having any hand in the said paper, so it doth not appear by any entry in the *Journal Book* of the House, that any *Member was put to such disavowal or disclamor*, which if they had, there is no doubt they would generally and freely have made it.

Monday the 18th. of *Decemb.* 1648. Before any Return was made by the *General, of the Grounds* upon which he restrained the Members from comming to the House, in complyance with the said Proposals of the Army,

They resolved upon the Question, that this House do declare, That liberty be given to the Members of this House to declare their dis-assent to the Vote of the 5th. of December, 1648.

And the same day they ordered, *That it be referred to the former Committee for drawing an Attestation, to bring in a Declaration, how and in what manner and form the said dis-assent shall be entred.* This was the second time that the House declined their Privileges.

Wednesday, Decemb. 20. 1648. The House again debated the Question, *Whether the former message to the General be renewed by the same Committee, concerning the Members that are absent*; and it was carryed in the *Affirmative* by 32. against 19. So at that time there were but 19. in the House, against the restoring of the *Members*. The same day, Mr. *Scot* reports the opinion of the *Committee* appointed to draw a *Declaration*, how and in *what manner and form the dissent of the Members to the Vote of the 5th. of* Decemb. 1648. *shall be entred.* And 'twas resolved *that the manner be, That such Gentlemen as were present at the Vote, do stand up and say, that they did dissent from the said Vote*; which form, contrary to all Presidents, and the very being and freedom of Parliament, being agreed upon, the same day the dissent of the Members following is entred, *viz.*

Col.

Col. *Boswell.*	Mr. *Holland.*
Lord *Gray.*	Col. *Ludlow.*
Mr. *Peregrine Pelham.*	Mr. *Clement.*
Col. *Jones.*	Col. *Purefoy.*
Mr. *Richard Darley.*	Col. *Stapley.*
Col. *Temple.*	Mr. *Dunch.*
Sir *Thomas Malevery.*	Mr. *Cawly.*
Sir *John Bouchier.*	Col. *Downes.*
Col. *Peter Temple.*	Mr. *Cary.*
Mr. *Humph. Edwards.*	Mr. *Bluxtone.*
Mr. *James Challenor.*	Mr. *Scot.*
Sir *Gregory Norton.*	Sir *John Danvers.*
Mr. *Oldsworth.*	Mr. *Henry Smith.*
Mr. *Garland.*	Mr *John Fry.*
Mr. *Nich. Lew.*	Mr. *George Serle.*
Mr. *Lisle.*	Mr. *Dove.*
Col. *Rigby.*	In all 33.

So that it appears there was not yet the number of a House, which must be forty at the least, that dissented to that *Vote*, though above 200. were kept away by force concurring with it.

Decemb. 21.	Col. *Hutchinson.* Sir *Hen. Mildmay.* Sir *James Harrinton*	Declare their dissents to the Vote of *Decemb.* 5.
Monday *Dec.* 25. 1648.	Col. *Harvey.* Alderman *Pennington.* Mr. *Main.* Alderman *Atkins.* Mr. *Blagrave.* Col. *Moor.* Mr. *Millington.*	Declare their dissents to the said Vote of *Decemb.* 5.

There being now almost after three weeks time, and such strange transactions as before, only 43. Dissenters to the Vote

Vote of *Decemb.* 5. 1648. and that in obedience to the Armies *Proposals* of the 6th. of *December*.

Upon *Thursday* the 11th. of *January* 1648. the House was conceived sufficiently garbled and fitted for the *Humble Answer of the general Council of Officers of the Army, Jan.* 3. *to the demand of the House* Dec. 14. touching the late *securing or secluding the Members thereof*; which was this day read; And though the same was *notoriously false*, and *highly scandalous* to the secured and secluded *Members*, as appears by their *Vindication* published the 20th. of *January*, which never received reply: yet the House, (without so much as summoning or hearing of the said Members,) Resolved, the said 11th of *January*, "That they "approve of the substance of the said Answer of the Ge-"neral Council of Officers of the Army, to the demand "of the House, touching the securing or secluding some "Members thereof. And appointed a Committee of the "Dissenters to consider, what was further to be done up-"on the said answer of the General Council, and to pre-"sent the same to the House.

And because (it seems) the said Committee was slack in meeting and making their return. On *Monday* the 29th. of *January*, the House, consisting of the said 43. Dissenters, ordered, *That the said Committee be enjoyned to meet and bring in their Report on Monday next.*

But to give them a sure rule to walk by, and to prevent the sitting of any but Dissenters, it was *resolved*, at the same time, *That no Member of this House that gave his consent to the Vote of the fifth of* December *last, do presume to sit in this House, untill this House take further order*; though it was evident the Dissenters were yet but 43. and the number present at the Votes were 244. So that by this Vote made but by the 43. who had entred their *dissents*, all others must be *presumed to be yet Consenters to the Vote.*

This last Vote brought in afterwards by degrees some more *Dissenters*

For

For *Thursday*, *February* 1. 1648.

Mr. *Whitaker*.
The Lord *Monson*.
Mr. *Weaver*.
Mr. *Lassells*.
Mr. *Boon*.
Mr. *T. Chaloner*.
Mr. *Waite*.
Mr. *Harbert*.
Mr. *Mackworth*.
Mr. *Poynes*.
Mr. *Miles Corbet*.
Mr. *Say*.
Sir *Thomas Jervice*.
Mr. *Trenchard*.
Alderman *Wilson*.
Mr. *Wogan*.
Mr. *Baker*.
Sir *Tho. Witherington*.
Mr. *Pury*.
Mr. *Heveningham*.
Mr. *Gratwick*.
Sir *Edward Bainton*.
Mr. *James Nelthrop*.
Mr. *Brewster*.
Sir * *Gregory Norton*.
Mr. *Prideaux*.
Mr. *Thorp*.
Mr. *Whitlock*.
Sir *H. Vane* Junior.
The Lord *Lisle*.

Entred their Dissents.

* who so make it sure dissented also, Dec. 20.

The Dissenters being now in almost two Months time come to the number only of 72. they did on the same first of *February* make the Order following, *viz.*

Whereas on the 18th. of *December* last, this House did order and declare, that liberty be given to the Members of this House to declare *their dis-assents to the late Vote of the fifth of* Decemb. 1648. *That the Kings Answer to the Propositions of both Houses, was a ground for the House to proceed upon for the settlement of the peace of this Kingdom*; And afterward *viz.* on the 20th. of *Decemb.* did order, *That the Clerk should enter the names with the dissents of such Members as declared their dissents in manner then directed*; Whereupon divers Members that day present, and others at several times since, did cause *their names and dissents to be entred accordingly*. And whereas it hath been further admitted in behalf of Members absent from the said Vote, *That any such Member might have liberty to express his dis-approving*

ving the said Vote of the 5th. of Decemb. It is now resolved and declared by the Commons assembled in Parliament, that such Members who (being present at the House on the 5th. of Decemb.) did *dissent from the said Vote, and from the putting that Vote to the Question*; or being not then present do *dis-approve of the same*, and have not already declared in and to the House such their *dissent* or *dis-approval of the said Vote*, may declare their *Respective dissent* or *dis-approve of the said Vote* to the *Committee* hereafter nominated, *viz.*

Mr. *Scot.*	Mr. *Cary.*
Mr. *Martin.*	Mr. Serj. *Thorp.*
Sir *John Danvers.*	Mr. *Blackiston.*
Mr. *Millington.*	Lord *Lisle.*
Mr. *Hutchinson.*	Col. *Purifoy.*
Sir *Will. Constable.*	Sir. *Mich. Livesay.*
Col. *Moor.*	Col. *Stapely.*
Mr. *Challoner.*	Lord *Gray.*
Mr. *Lisle.*	Lord *Monson.*
Mr. *Hayes.*	Alderman *Wilson.*
Mr. *Whittaker.*	Col. *Bosvile.*
Sir *Tho. Jervis.*	Mr. *Boor.*
Mr. *Trenchard.*	Mr. *Heveningham.*
Sir *T. Widdrington.*	Sir *Gregory Norton.*
Mr. *Cawley.*	
Col. *Downes.*	Or *any* three or more of them.
Col. *Temple.*	

Who are hereby constituted and appointed a *Committee*, to receive and take notice of the *Declarations* of any such Member his *dissent* or *disapproval* respectively, that shall desire to declare and enter the same; and the said Committee are hereby required to make present report of the same to the House, and shall from time to time be heard therein before any other business, or next after the business then in debate, to the end such *dissents* or *disapprovals* may be entered in the Books of the House, and such

Members

Members thereupon admitted; And to that purpose the said *Committee* or any three of them are to sit when and where they think fit and convenient. And it is further resolved and ordered, *That no Member of the House whose dissent or disapproval of the said Vote hath not been already entred, do henceforth presume to sit in the said House, untill his dissent from the said Vote of the 5th. of* December, *(if he were then present) or disapproval thereof (if then absent from the House) shall be by himself personally declared to the said Committee, and from thence reported to the House*, and entred as *aforesaid*; And that such Members of this House, and every of them whose *dissent from*, or *disapproval of the said Vote* respectively (being not already declared and entred in the House) shall not be declared to the said Committee as aforesaid, before the first day of *March* next, *shall from thenceforth be, and are hereby declared from thenceforth, to stand and be suspended from voting or sitting any more in this House, or any Committee by this House appointed, untill they shall both declare such their dissent or disapproval to the said Committee as aforesaid respectively, and shall also have given satisfaction to this House concerning their delay thereof beyond the said appointed time, and untill they shall be thereupon restored by particular Order of this House.* Nota. Nota.

After this Antiparliamentary Order, (destructive to the Privileges, Freedom, Votes, and Members of the House) some few Members dissented or disapproved the said Vote, upon several daies, as they were inclined, or prevailed with thereunto, before the first of *March*, the time limited by the said Order. And *Wednesday* Febr. 28. 1648. it was ordered, *That no advantage be taken against* Sir Peter Wentworth, Sir John Barington, Col. Fleetwood, Mr. Aldworth, Mr. Robert Andrews, Alderman Hoyle, *and* Mr. Stockdale, *for not having entred their dissents before the first of* March.

Monday the fifth of *March*, 1648. it is is ordered, *That it be referred to* Mr. Lisle, Mr. Scot, Mr. Holland, Col. Ludlow, *and* Mr. Luke Robinson, *or any three of them, to receive what shall be tendered for satisfaction of such Members as have*

not entred their dissents or disapproval to the Vote of the fifth of December *last, before the first of* March, *and to report their Opinions to the* House, *concerning such Members as they shall receive satisfaction from.*

The Committee being some of the most eminent Dissenters to the Vote when it was past, and so not very inclinable to receive satisfaction from those Members intended by the Order, there are very few appearing in the *Journal* to have been admitted upon their Reports into the House in three months after, but as if too many had been received already, they intended a New Tell and Purge to seclude the Majority even of those who *dissented* from or *disapproved* our former Vote; For their *Journal* attests, that on *Saturday*, June 9th. 1649. *This Question was propounded: That none of the Members that have sate in the* House *since the* 11th. *of* Jan. 1648. *shall be hereafter admitted to sit in this* House, *who shall not first acknowledge and assert the* **just authority of this House**, *in making the Act for erecting an* High Court *of Justice for trying & judging the King.*

And the *Question* being put, whether this *Question be now put*, the House *was divided*. And it was carried in the *Negative* by 27. against 22. *that this Question should not be put*. So that the major part of themselves were not then ripe for what the Minor would have them swallow.

Thereupon the very same day a *final barre* is put by them upon all the secluded Members by this following *Order*, printed for that end, *viz.*

Ordered by the Commons *assembled in Parl.* **That none of the Members of this House, who by vertue of the Order of** *February*, 1. 1648. **do yet stand suspended from voting or sitting any more in this House, shall henceforth be admitted capable to sit, or have voyce in this House during this present Parliament, who shall not before the 30th. of this instant June address themselves to the Committee appointed by order of the fifth of** *March*, 1648. **for receiving what should be tendered for satisfaction by such Members as had not entred their Dissent or Disapprovall to the Vote of the fifth of December last, before the first**

first of *March*, and shall not before the said 30th. of June instant give such satisfaction to the said Committee, according to the said Order, as this House shall approve of: but the House will after the said 30th of *June* instant proceed to take Order for the election of New Members in their rooms.

After this Order, though they sate till *April* 20. 1653. without itterruption, yet they never issued out any Writs for *Elections* of New Members, monopolizing the supreme and Parliamentary power into their own hands without copartners, as now again.

April 20. 1653. they were forcibly ejected, and turned out of the House themselves by the *Army-Officers* for above 6. years, till on *Saturday* May 7. 1659. about 40. of the *Members* (interrupted in *April* 1653. and by reason of divers new Governments interposing, never durst re-assemble to sit or act) upon the *Army-Officers invitation*, went sodainly again into the *House*; whereupon * divers of the secluded *Members*, then casually at *Westminster*, so soon as they heard they were sitting, the same morning went to the House door, & claimed their privilege of sitting, but were forcibly secluded then, and on *May* the 9th. by armed Gards: and to continue their seclusion, the *House ordered* the 9th. of *May*,

* see Mr Prynnes true and perfect Narrative.

That such Persons heretofore Members of this Parliament, as have not sat in this Parliament, since the year 1648. *and* * *have not subscribed the Engagement, in the Roll of Engagement of this House, shall not sit in the House till further order of the Parl.*

* This was a new addition, not mentioned in any former Orders.

At this time they were more tender of excluding the Major part of the Members of the House, and only ordered, *their not sitting till further order*, not at all conceiving that they were duly *discharged*, or *dismembred* by their former Orders, in the years 1648. and 1649. as now.

After this they being forcibly interrupted and dispersed again, on the 13. of *Oct. last*, and not suffered to sit till the 26. of *Dec.* following; upon the 27. of *Dec.* many of the *secluded Members*, then in town, being informed of their sodain re-assembling in the House did again *claim their*

Right

Right of sitting in Parliament, but were by their Order* kept out of the Lobby and House, by their armed *Gards* and *Officers*, and received thousage that hath in *A Narrative* thereof, been published to the *Kingdom*.

Since that time, viz. on *Thursday* the 5th. of *Jan.* 1659. the *day appointed to consider of the case of absent Members*; without calling the Members, or admitting them which were at the door to sit, or appear in the House, it was *Resolved*, by the Major part of about 47. Members only then present; *That upon the whole matter of the* *Report touching absent Members, The Parliament doth adjudge and declare, That the Members who stand discharged from voting or sitting as Members of this House, in the years* 1648. and 1649. *do stand duly discharged by judgement of Parliament, from sitting as Members of this Parliament, during this Parliament. And it is Ordered, that writs do issue forth for Electing new Members in their places.*

* Not entred.

And to prevent any vindication of our selves, against this *Vote* behind our backs, upon *Monday* the 9th. of *Jan.* 1659. (but 4. daies after the Vote) a party of about 40. Red-coats were sent to seize us, at one of the Members Houses in *Drury-lane*, where the Council of *State* (it seems) had notice, and we did not conceal it, that some of us were met together: but being gone a little before, they miss of us, though they searched the house at pleasure.

This Resolve being, as appears, intended, finally to exclude the said Members, though double the Major part of the House, & leaving them (without any cause therein expressed) under a reflexion of the highest nature, as persons duely expeld the House, during this Parliament, and ordering Writs to issue forth for Electing new Members in their places (a proceeding never used towards a *Single Member*, but upon *breach of trust*, or some *high misdemeanor*, much less to many, least of all to the Majority of the House) hath in justice to our selves, and the Counties and places for which we are intrusted, necessitated us, by this *Declaration*, fully to state the whole matter of Fact, and upon the whole, to raise such *Observations* and *Conclusions*, as we hope

hope may evince, that we are not duely *discharged*, and that the Judgement, if there be any given, is *void* in *Law*, against the said Members, whereof we have in the end of this Declaration inserted a perfect list.

First, it is manifest by the state of the Fact, that on the 6th. and 7th. of Decemb. 1648. and since, the said Members being then and now the *Major part of the House of Commons*, have been by force of arms, and still are, restrained from coming or entring into the House, though they have several times renewed their claim, only upon the Army-Officers *Proposals* and *desires*, Dec. 6. 1648.

2ly. That from that time to this day, there hath been no legal accusation or impeachment exhibited against them, or any of them in Parliament, as a ground for a Judgement of their suspension or exclusion.

3ly. That they were never summoned nor called to hear or answer any charge, nor ever heard in the House, nor particularly convicted, nor yet named in any Order or Vote for their suspension or exclusion.

4ly. That all the pretence appearing for their exclusion in all the recited *Votes* and *Orders*, is only, their Ap to the Vote of the fifth of Dec. 1648. (*That the Answers of the King to the Propositions of both Houses, are a ground for the House to proceed upon for the settlement of the peace of the Kingdom*,) they being then and still the major part of the House: and for refusing (upon the demands of the *Army*, and Orders of the minor part of the House made after they were forced away) to enter their Protests against and Dissents from that Vote, which was passed by them in Judgement and *Conscience*, upon unanswerable grounds of Reason, justice, honour and faithfulness; or, for not disapproving the said Vote.

5ly. That the Members permitted to sit after, and under the force, Dec. 6. did several times positively order the *secured* and *seluded Members to be forthwith discharged*; and that after the Demands and Proposals of the Army; which shews, that they did not then judge them guilty of breach of Trust by this their Vote.

6ly. That many of the Members that were suffered to

fit, when they saw no hopes of preserving their Privileges and the freedom of Parliaments against this force, did voluntarily withdraw themselves, and have ever since remained in the condition of *secluded Members*, and are now comprised within the Vote of *Jan.* 5. and former Orders.

7ly. That the Members formerly secured and secluded by the Army-Officers in *Dec.* 1648. against the Votes of the House, for their *discharge*, for their Vote *Dec.* 5. are now for the self-same Vote alone, even by order and command of those now sitting Members (after their own double dissipation by armed violence) forcibly excluded both the House and Lobby, by armed *Gards* and *Army-Officers*, and likewise discharged from sitting as Members of the House during this Parliament.

8. That the forcible suspension and secluding of the Majority of the House, till they retract, and enter their particular dissents against, and disapproval of their own Votes, was first introduced and imposed by the General Council of Army-Officers Proposals, to subvert the Privileges and Freedom of Parliaments: And in obedience to their desires, it is afterwards several times Voted, Ordered and ratified by the sitting Members, to bar us from all future sitting, or Voting in the House as Members, during the Parliaments continuance, and made the secundary ground of our exclusion and discharge, though never in use before, from the begining of Parliaments, till this day, and that in relation to this Vote alone. An Anti-Parliamentary President, fit only for everlasting oblivion.

9ly. That for the minor part thus to sway in Councel by help of an *external force*, when *reason* within Doors could not carry it, is a course of proceeding altogether illegal, irrational, and unparliamentary; the determining of *Questions* and Controversies by the *major Vote*, being essential *to Parliaments* and Great Councils, authorized by the usage and experience of all Ages and Nations, without which it is impossible to settle any Government in *Church* or *State*, or make any *final judgement* in *Courts* or *Councils*, without

without resolving all into the mere will of a few *single Persons.* Upon all which grounds, we are so far from *retracting* the said *Vote* of Decemb. 5. that as both by the *Vindication of the secluded Members*, published in *January*, 1648. and by this *Declaration*, it stands unanswerably justified to all the World, so we foretold the sad effects that would follow the varying from it, and are now confirmed in the *necessity* and *prudence* of that *Resolution* by eleven years further consideration, and the many *sufferings, calamities, strange unsettlement*, and *Revolutions of Government*; which the not hearkning to the advice of that *Vote* (then the judgement of the whole Kingdom, being past by the major part of their *Representatives*) hath brought upon us ever since, whereof we can yet see no end.

Having thus truly and fully stated the matter of Fact, relating to our former and late seclusions, and the premised *Vote* of *Jan.* 5. for our *discharge* & *exclusion* out of the *House*, *during this Parliament*, only for our *Vote*, Dec. 5. 1648. upon the Armies *Proposals*, without any particular accusation, hearing, trial, or judgement pronounced against Us, or any one of Us by name at the bar; we shall in the next place briefly demonstrate the *Illegality*, *Injustice* and *Nullity* of this general uncertain Vote, by which we are thus by wholesale discharged behind our backs. 1. By Orders, Customs, Presidents, and Judgements in Parliament. 2ly. By the Laws and Statutes of this Realm. 3ly. By the Law of Nations. 4ly. By the Law and Proceedings of God himself.

By the Orders, Customs and Proceedings of Parliament it is most apparent,

1. That in all * Parliaments, Treaties and Assemblies within the Realm of *England* for ever, *every man ought to come without force, armour, or multitudes of armed men, well and peaceably to the honour and peace of the King and of his Realm, and all wearing of Armour or other force against the Peace, ought to be defended and prohibited in all places, Cities and Suburbs, where Parliaments convene*, lest the Members should be terrified, or *driven away*, or *the proceed-*

* Fidelissima custodia illius innocentia, hoc inexpugnabile munimentum munimento non egere. Plin. Pan. Trajano dictus.

ings of (a) *Parliament interrupted thereby*; as is evident by the Statute of 7 E. 1. Rastal Armor, 1. cl. 5 E. 2. m. 22. 31. dors. cl. 2 E. 3. dors. 31. 4 E. 3. Rot. Parl. n. 1. 2 E. 3. c. 3. 6 E. 3. rot. parl. n. 1. 13 E. 3. n. 2. 14 E. 3. n. 2. 15 E. 3. n. 2. 17 E. 3. n. 3. 18 E. 3. n. 2. 20 E. 3. n. 1. Cooks 4. Instit. p. 14. Exact Abridgement of the Records of the Tower, p. 11, 13, 14, 17, 19, 22, 27, 30, 43 46. 51, 76, 78, 195. Therefore the forcible seclusion of the majority of the Members by armed force, and Votes backed therewith, is most illegal and unparliamentary.

2ly. That (b) *every Member of Parliament is bound to attend the Parliament, and freely to sit & vote therein during its continuance, and never voluntarily to absent himself, or depart without special license, under pain of Amerciament, loss of wages, and other penalties*; as is both enacted and resolved, 3 E. 3. f. 19. Fitz. Corone 161. 5 R. 2. Stat. 2. c. 4. 18 E. 3. rot. parl. n. 5. 8 H. 4. n. 55. 31 H. 6. n. 45. Cooks 4 Instit. p. 15, 16, 17, 40. 9 H 8. c. 16. Stamford, l. 1. c. 2. f. 153. Exact Abridgement, p. 13, 14, 43, 142, 194, 281, 361, 653. The Order of the Commons House, 19. *August*, 1643. and Ordinance of both Houses, 9 *Octob.* 1643. Collection of Ordinances p. 274, 357. the Commons Declaration, *Septemb.* 5. 1648. 5 E. 3. dors 7. & 4 E. 3 dors. 23. Therefore the majority of the Members neither may nor ought to be forcibly secluded and hindered from sitting and voting, especially by the Minority.

3ly. That (c) *when any considerable number of the Members of Parliament through shortness of warning, foul weather, or any other occasions have been absent from the House, the Parliaments have constantly been adjourned and put off till a further day, and nothing acted by those who appeared, in their absence, till the absent Members comming, and the Houses were full*; as is is evident, by Clauf. 2 E. 3. dorf. 31. & 15. 6 E. 3. Rot. Parl. n. 1. 6 E. 3. part 2. n. 5, 6, 8, 9. 8 E. 3. n. 5. 15 E. 3. n. 4. 17 E. n. 2. 20 E. 3. n. 5. 21 E. 3. n. 4 22 E. 3. n. 1. 25 E. 3. n. 1. 29 E. 3. n. 4. 30 E. 3. n. 1. 37 E. 3. n. 1. 42 E. 3. n. 1. 50 E. 3. n. 1. 51 E. 3. n. 2. 1 R. 2. n. 1. 2 R. 2. n. 1. 3 R. 2. n. 1. 4 R. 2. n. 1. 5 R. 2. n. 65. 6 R. 2. n. 6 7 R. 2. n. 1. 9 R.

a See Mr. Prynnes, 1 part of the Register of Parliamentary writs, p. 27, 28, 177, 215, part 2 p. 80, 81, 82 Plea for the Lords, p. 278, 279, 280.

b Plea for the Lords p. 21, to 37. The 1. pt. of the Register of parliamentary writs, p. 13, 27, 31, 112, 432, 434. 435, 10 440. Exact Abridgment. p. 43.

c First part of the Register of Parliamentary writs, p. 24, 28, 29. Plea for the Lords p. 12, to 27. Exact Abridgement, p. 11, 13, 14, 15, 31, 36 46, 51, 69, 73. 78, 90, 92, 96, 105, 120, 144 154, 167, 173, 182, 188, 193, 195, 201, 281, 286, 287, 288, 290, 298, 308, 454, 454, p. 50, 66, 74, 152, 159, 318, 321, 335, 373 427. 128, 430 440, 555.

9 R. 2. n. 1. 8 H. 4. n. 54. The reason whereof is, because Nothing ought to be acted in Parliament, by any party or faction, but in or by a *full Parliament*, when all or most of the Members, representing all the Kingdom, are present, Cl. 23 E. 1. d. 4. 34 E. 1. c. 1. 20 E. 3. rot. Parl. n. 46. 21 E. 3. n. 65. 25 E. 3. n. 10. 51 E. 3. n. 25. 2 R. 2. n. 26. 10 R. 2. n. 35. 11 R. 2. n. 8. 21 R. 2. n. 71. 5 H. 4. n. 17, 30, 44. 6 H. 4. n. 25. 39 H. 6. n. 10. & 1 R. 3. Wherefore their seclusion, and ejection of the Majority of the Members, behind their backs, in a thin and empty House, (not the fixt part of a full House of Commons) and their Votes and Orders not only without, but against them, must be unparliamentary and unwarrantable.

4. That as in * Elections in the County, so in Votes, the Vote of the *Major part* of the House, upon *any question put*, is the Vote *and judgement of the whole House, including and binding the dissenting Minority*, as all Journals, Records of Parliaments, Statutes, Law-Books, and experience resolve, and the practice of those now sitting; Therefore the dissenting Minority, can neither censure nor eject the Majority of the House, for their Vote of *Decemb.* 5. carried without any division, and by above 2. parts of 3. then present, without ejecting and dissolving the whole House, and themselves too, whose Vote was included in theirs, and subverting the very essence and foundation of all Parliaments.

* 8 H. 6. c. 7. 33 H. 8. c. 27. Exact Collection, p 146. 274, 494, 700. A Collection, p 284. Grotius de Jure Belli. l. 2. c. 26. §15.

5. That every* *Member present in the House, at the putting of any Question* (then debated) *is bound by orders of the House to give his Ay thereto, or No, according to his judgement, and conscience, freely and uncontroulably, without the least question, check, or censure.* This freedom of debate, Voting and speaking the mind, being the grand essential Privilege of Parliaments, (giving both the name and essence to them) which every *Speaker* demands, and every King granted at the beginning of every Parliament, and of this now sitting. Therefore for the Minority of the House, by the Army-Officers *Proposals* and *Desires*, to make it criminal and a breach of Trust, demeriting not only censure, but suspension, exclusion and ejection out of the House, and

* Cooks 4 Report, p. 34, 35. See Seobels Memorials of the method and manner of Parliaments, c. 4. 6.

that not in one or two Members, but the Majority of the House, (the house it self,) as in our present case, only for the *Vote of Decemb.* 5. 1648. touching the Kings *Concessions*, and no Vote else whatsoever, in any other Parliament, or this, before or since this Vote, is not only the extremity of partiality and injustice, but an utter subversion of the very essence, name and foundation of Parliaments themselves, without President in any Age.

6ly. If one single Member alone give his *Ay*, or *No*, to any Question proposed, against all the rest of the house, though the Question seems most clear and undisputable, yet he is *neither censurable nor questionable for it, because it is his privilege and freedom as a Member*, as was resolved in Dr *Parryes* case in the Parliament of 27 *Eliz.* (reported by *Scobel* out of the Journal,) who gave his single *No*, against the Bill against Jesuites and Recusants; and in the cases of all single *Ayes* or *Noes*, or but of 2, or 3. *Members* against all the rest, in all former Parliaments, and this last, who were never once questioned or suspended for them, nor ordered to retract their single Votes. Therfore the suspension & ejection of the *Majority* of the house for their Vote of *Dec.* 5. after so long & great debate, (given upō the greatest grounds of Conscience, Law, Justice, Prudence, Reason and publick safety,) and for their refusal to retract and protest against it, by order of the *minority* of the *Noes*, entring their dissents against it, during their forcible seclusion from the house, must questionless be most *Antiparliamentary*, erroneous, injurious, subversive to the freedom of Parliaments.

7ly. That a matter (1) once *debated and put to the Question in the House*, (especially when full and free) carried in the *Ay*, or *No*, by the majority of the House, (without any surprize or fraud, as the Vote of *Dec.* 5. was, against all force and menaces to prevent it,) *ought to stand as the judgement of the whole* House, *and cannot by the rules of Parliament be questioned again, or nulled and revoked*, (especially by the minor part in the absence and forcible seclusion of the Major,) *during that session of Parliament*, no more than an *Act, or a judgment given and entred in the Courts of Westminster*,

f Scobels Memorials. Cooks 4 Institutes, p. 32.

g Dyer, 182. a. 196. a. Ashes Tables, Error 65, to 75 and the Lawbooks there cited.

ster, reversed in and by that Court which gave it; because all Votes and Judgements, would otherwise be migatory, arbitrary, reversed and nulled over and over, and debates concerning them endless: as was resolved in Sir *Francis Goodwins* case, upon long debate, 27 *Martii*, & in *April*, Anno 1604. and oft before and since. Therefore our Vote of the 5th. of *Decemb.* could neither be questioned nor repealed by the dissenting minority, nor protested against, but stands still in force; much lesse then the majority who assented to it, be suspended & ejected the House by the minority for not retracting and entring their Protests against it, being a practice fatal to all Votes and Parliaments, if admitted just in this, passed upon so full a debate.

8ly. That (p) no *Member ought to be questioned for any offensive words, displeasing to the whole House, or any particular Member, let fall upon any debate, unlesse exceptions be taken to his words the same day, before he goeth out of the House, and satisfaction given, or judgement inflicted on him the same day.* But no exception at all was taken to the Debate, or Vote of the secluded Members by the House, or any *Member* thereof the same day, nor in several daies after, but only by such Army-Officers out of the House, who were no *Members*, and not privy to the debate. Therefore they ought not to be suspended and excluded for it many weeks, months, and now ejected out of the House for their Vote alone, and debates thereupon, above 11. years after.

p Scobels memorials, c. 12. See 31 H. 8.

9ly. That the *Speaker* himself by his Letter, *July* 29. and both Houses by their printed Ordinance of *August* 20. 1647. declare and resolve, *all Votes, Orders, Ordinances, Declarations passed in the House, whiles under a visible force, and the Members forcibly driven from it, or unable to repair to, or sit in it with freedom and safety, to be null and void to all intents*; and if that force upon 50. or 60. of them now sitting by *Cromwell*, *Apr.* 20. 1653. & *Lambert*, and others, *Oct.* 13. 1659. was *Antiparliamentary, Treasonable, and but a mere interruption not dissolution of their Session, nor an inability for them to sit again*, though some of those who ejected, and declared them dissolved, were then *Members* of the house,

i See 31. H. 6. c. 1. 39 H. 6. c. 1. Brook and Fitzherbert, and Ash. Title Duress. A Collection, p. 221, 222, 700.

House, backed with the Army. Then by the self-same, yea better reason, the former, late, present Orders and Votes for the suspension, exclusion and ejection of the majority of the Members out of the House, made by the minority, whiles sitting under an actual force, secluding them by Commands of them now sitting, must be null and void to all intents, and no wayes disable them from sitting, when the armed force secluding them is removed.

b Plea for the Lords, p. 23, 24, 25.

c Exact Collection, p. 34, to 60.

10ly. That the (*b*) House of *Lords* heretofore in the Parliament of 2 *Caroli*, when the Earl of *Arundel*, a single *Member* of their House, was imprisoned and restrained by the King without their privity, from sitting in the House; and since that (*c*) both houses, *Ian.* 5. 1641. at the beginning of this Parliament, when the *King impeached, and only demanded the* Lord of Kimbolton, *and the* 5. *impeached Members of the Commons House*, (whereof Sir *Arthur Hasterigg* was one) without seising either of them; adjourned and refused to sit or act as an *House, till their Members were restored to sit in safety, and this high breach of their Privileges vindicated.* Therefore by the self-same Rule and Presidents, they ought not now to sit and act, till the former and last violations of them by the Army-Officers and their Guards forcible seclusions and securings of them by their order, be vindicated, and they restored to sit and act freely in the house with safety, without any future Interruption.

11ly. That no particular member of Parliament in the Commons house, by the constant course, proceedings and presidents in our Parliaments, may or ought to be *censured, imprisoned, suspended* or ejected the house, unlesse he be 1. Particularly accused or impeached of some misdemeanour, crime or breach of trust, deserving imprisonment, suspension, or exclusion. 2ly. Particularly summoned and resummoned to answer his charge, if absent, or commanded to answer it, if present in the house. 3ly. Freely admitted to make his particular answer and defence thereunto in the house, where he is to sit and vote as a *Member*, till convicted or suspended by special Order.

4ly. Legally

4ly. Legally convicted by his own Confession, evidence or witnesses produced face to face. 5ly. Particularly sentenced by judgement pronounced against him at the Bar, and that judgement particularly entred against him by name in the *Journal-book*, or Records of Parliament.

This is evident by the antient Presidents of Sir *William Courtney*, An. 16 R. 2. rot. Parl. n. 6. Of *Roger Swinerton*, An: 17 R. 2. rot: Parl: n. 23. *Thomas Thorpes* case, 5 *H.* 4. rot: Parl: n. 38. by *Thomas Thorps* case, when Speaker, 31 *H:* 6. Rot. Parl: n. 25, 26, 27. *Arthur Halls* case, 17 Maii, & 4 Febr. 1580. *Peter Wentworths* case, 8 Febr. 1575. *Thomas Longs* case, 8. Eliz. entred in the Journall, reported in *Cooks* 4 Institutes, p. 23. and *Scobels* Memorials, c. 12. in Sir *Edmond Sawyers* case, Saturday 21 Junii, 1628. The Earl of *Straffords*, and Archbishop *Lauds* cases and trials upon their Impeachments of high Treason this Parliament, as Members of the *house of Peers*: the cases of sundry Members put out of the house of Commons, in the beginning of this Parliament, 1641, 1642, 1643. The Proceedings of both houses against *their Members*, who contrary to their *trusts*, (*a*) *deserted the Parliament, withdrew themselves voluntarily from it, and took up arms against it, who were* 4. *times summoned to attend the Houses*, (which they neglected to do) *without any disability*, or new *Ingagement* put upon them, before they were disabled by *Judgement to sit in the house during this Parliament*, in which Judgements they are particularly named, and after that by a *general Ordinance of both houses* 29 Junii 1644. the Judgement against them was confirmed as is evident by the * Journals of both houses. And the proceedings of those now sitting (since their Vote of Jan. 5.) against Sir *Henry Vane*, Jan: 9. and Col. *Sydenham*, and *Major Saloway*, since: who were all permitted to sit and vote in the house, till particularly impeached, heard, convicted, and received their judgements at the barr, before they were ejected, or suspended, though they joyned with the Army-Officers who excluded them *October* 13. both in Councils and Actings against their restitution. Which being denied only to all and

A Collection of Ordinances, p. 294, 357, 513.

* 21 Jan and 5 Feb 1643. & 4, 5, 8, 9, 10, 11, 12, 16, 20, 22, 26, 29. Augusti. 1, 6, 7, 12, 16, 19, 22, 23. Sept. 4. Octo. 1642.

and every of the secured and secluded Members, and to them alone, though the majority of the house, guilty of no crime; meerly for their Vote, *Dec.* 5. and were forcibly secluded both the House and Lobby, *Dec.* 27. and voted out of the House, *Jan.* 5. 1659. without any accusation, hearing, defence, conviction, or particular judgement against any of them by name, must needs be the extremity of Anti-Parliamentary Injustice, especially in those of the *Long Robe*, sitting in, and advancing themselves to the Seats of Justice in all the Courts of *Westminster*.

See the Parliament Rolls, wherein Receivers & Triers of Petitions are still appointed at the beginning of every Parliament. Exact Abridgement of the Records of the Tower, Tit. Peak in the Tables. The 1. Part of the Register of Parliamentary Writs. And Plea for the Lords, p. 430, 431, 432.

12. It is the undoubted Privilege and Birthright not only of Members, but of the meanest, despicablest and most flagitious Commoners of *England*, if complainants or petitioners, *to be admitted freely both into the Lobby and Commons House, without forcible seclusion, to present their complaints, grievances*, for their relief or redresse; or if Delinquents, to be accused, summoned, heard, duly convicted and particularly sentenced at the bar by name, before they be committed, or sentenced, as all Parliamentary Records, Journals, & daily experience attest; Therfore that the Majority of the Members (persons of greatest Eminency, Interest, Integrity, representing most Counties, Cities and Boroughs of the Realm) should be denied that justice and privilege which the meanest Commoners and most execrable Delinquents enjoy as their Birthright, only for their Vote, and that by their Fellow-Members, (the greatest pretenders to publick Justice, Liberty and Saintship,) is not only Anti-Parliamentary and Injurious, but stupendious in the sight of God, Angels, Men, and the whole Nation.

13ly. The whole *House of Commons*, and some of our *secluders*, in the case of the XI. *Members*, impeached by the *Army* (9. of them now secluded) upon long and full debate *June* 25. 1647. *Resolved*, unanimously *on the Question*, without one dissenting Voice (as to part of the *Armies general charge* against them, for something they had spoken, and done within the House) *That it did not appear, that any thing had been said or done by them in the House, touching any matters contained in the charge, or Papers sent from the Army*, for

which

which they could in justice suspend them from sitting and Voting in the House. In the debate whereof they all concluded, it was a *high breach of Privilege*, for the *Army* or any others out of the House, to impeach any *Members* for things spoken or done within the *House*, whereof the House alone is to take notice, and be the sole *Judge*. Therefore by this very Vote and resolution, the House upon the Armies *Proposals*, and *Desires* alone, ought not in justice to suspend, much lesse forcibly to seclude and eject us, only for our Vote within it, and it was a transcendent breach of the Privileges of the House, to receive their *Proposals Decemb. 6.* and their *Answer January 3.* complaining against our *Vote*, and to make it the only ground of our suspension and seclusion ever since, and now of our Ejection. 2ly. They then unanimously resolved, That by the Laws of the Land, no Judgement can be given to suspend those Members, or any of them from sitting in the House, upon the Paper presented from the Army, before particulars offered, and proofes made against them. Therefore they cannot suspend, seclude and eject, both them and the Majority of the whole House now from sitting, or Voting with them any more, only for their Vote, without any other particular charge, hearing, conviction, or Judgement pronounced against them at the bar.

14ly. Had this Vote and judgement of Suspension and Discharge been given against any one of the suspended Members, in a full and free house and Parliament, and ratified by an Act, or Ordinance of both houses, without any legal summons, tryal and hearing at the Bar, yet it had been erroneous, null and void, and ought to be reversed as such, and that by the expresse judgements and resolutions of the Parliaments of 28 E. 3. Rot. Parl. n. 7, to 14. & 29 E. 3. n. 29. in the case of **Roger Mortymer* Earl of *March*, who in the Parliament of 4 E. 3. Rot. Parl. n. 1. was impeached in Parliament of *high Treason*, for murdering of King *Edward* the 2d. after his deposing, for accroaching to *himself* Royal Power, and the Government of the State over the King; For comming to the Parliament

* Plea for the Lords, p. 274 to 283.

at *Salisbury* with force and arms, contrary to the Kings Writ and Prohibition under his Seal, That none should come to the Parliament with force and arms, under pain of forfeiting all that he could forfeit to the King. Whereupon the Earl of *Lancaster*, *and others of the Lords, by reason of his force, came not at all: And when as the Prelates were there assembled in an house at the said Parliament, to consult about the affairs of the King and Realm*, The said Roger broke open the Doors of the House upon them with men at arms, and threatned them of Life and of Member, if they should be so hardy to speak or do any thing against his Will and Ordinances. *And did so much in the same Parliament, that the King made him Earl of* March, and gave him many Lands and Tenements, to the disinheriting of the Crown; *And afterwards the said* Roger, *and those of his confederacy, led the King armed against* the Earl of Lancaster and other Peers of the Land to *Winchester*, where they were comming towards the King to the said Parliament at *Salisbury*: *Whereupon* the said Earl and other Peers of the Land, to avoid the peril that might happen, *out of reverence to the King*, departed and went towards their Country, grieving that they could not speak with, nor counsel the said King, as they intended and ought to do. And for several other grand misdemeanors drawn up and entred in the Parliament Rolls in 14. Articles in *French*. Upon these Articles (by reason of the notoriousness of the Facts) he was by Judgement and act of Parliament, condemned and executed as a Traytor, in 4 E. 3. without being brought personally to answer, or make his defence at the Bar, and his Lands forfeited to the King. Whereupon in the Parliament of 28 E. 3. *Roger Mortymer* Earl of *Worcester* his Cousin and Heir, by Petition prayed, *That this Act of his Attainder might be examined, and the judgement against him reversed for manifest errors therein.* Wherepon the Record was brought into the Parliament, and the Articles, Judgement and Proceedings read at large. Which done, it was alleaged, *That the judgement was defective and erroneous in all points* (*not for the*

the substance and Truth of the charge) *but for that the said E. was put to death and dis-inherited,* **Sans nulle accusement, et sans estre mesne au juggement, ou en respons,** *without any accusation face to face, and without being brought to judgement, or to answer.* For which cause it was prayed, the *said Act and Judgement might be reversed and annulled.* And for these Reasons *our Lord the King, Prince, Dukes, Earls, and Barons,* **by * accord of the Knights of Counties, and of the Commons, reversed and annulled the said Records and Judgements, and adjudged them erroneous and void;** And the Parliament of 29 E. 3. did likewise confirm and assent thereto, as the Parliament Rolls attest. If then this Judgement, though ratified by an Act of Parliament, upon particular Articles of Impeachment, true in substance, (against this Arch-traytor, and first forcer of Parliaments by armed men extant on Record) was reversed as erroneous, void and null, because he was not accused face to face, nor brought to judgement, and answer at the Bar before his judgement and execution, though there was a judgement given against him by name in the Parliament Roll and Act: Then much more must the Judgement and Vote against all the secluded Members and majority of the house, kept out thence by armed Gards, by command of our Secluders and Judges, without the least accusation, Articles of Impeachment, hearing, trial, or bringing us to the Bar to hear our judgement, or naming any of us particularly therein, be unparliamentary, erroneous, void and null to all intents, and no waies obligatory to us, or those for whom we do serve.

* Being by act of Parliament.

2ly. It is altogether erronious, illegal and void in Law, 1. By the *Great Charter* of our Liberties, 9 H. 3. c. 29. confirmed in above 40. successive Parliaments, by the *Statutes* of 25 E. 1. c. 1, 2. 28 E. 1. c. 1, 2. 5 E. 3. c. 9. 25 E. 3. c. 4. 28 E. 3. c. 3. 42 E. 3. c. 2, 3. The *Petition of Right*, 3 *Caroli*, and sundry other Statutes, enacting and providing, *That no Freeman of England, shall be outed of his Freehold, Liberties, Franchises, outlawed, passed upon, fore-judged or condemned,* unlesse he be, 1. Lawfully accused, indited and impeach-

ed. 2ly. Summoned and brought in to answer by legal processe. 3ly. Brought to judgement, trial and hearing at the bar, and admitted to his just defence. 4ly. Legally convicted by his own confession, or witnesses produced face to face. 5ly. Particularly judged and condemned by sentence at the bar. And if any judgement be given to the contrary, it shall be reversed and holden as null and void; All which particulars failing in our case, and judgment, it must be erronious, void and null to all intents.

2ly. By all the Presidents, forms, entries, in Cooks 3 Institutes ch. 101. *of Judgement*, old Book of *Entries*, *Fitzherbert*, *Brook*, *Statham*, *Ash* Title Judgement, Treason, Debt, &c. all entries and Records of Judgements in Parliaments and other Courts of Justice, wherein no Judgement was ever yet given against many in the grosse, (as now against 200. Members or more) without naming any of them, but alwaies particularly by name, the Judgment being else void in Law, for its generality and incertainty, as ours is, wherein not one secluded Member is named, nor in any Vote or Order for our suspension or exclusion.

3ly. It is a Maxim in Law (*m*) *that no man ought to take advantage of his own covin or wrong, much less be both a Judge and party, it being both against justice and reason too*: Therefore the minority of our fellow-Members, cannot *first seclude us out of the House by covin, wrong & armed force*, against our Rights, Privileges, the Protestation, Covenant, & then as our Judges *exclude us* from sitting with them, behind our backs, only for dissenting from them in our *Votes and Judgments*, crossing their own private *Interests* and *Innovations*, repugnant to the publike *Interest*, Peace, and settlement of the Kingdom which we then endeavoured to effect.

(*m*) Lit. sect. 678. Cooks 1 Instit. f. 35. 209, 352, 356, 357. 142. Hobards Reports, p. 85, 86. Dyer 165. 2 R. 2. c. 2.

4ly. The *Statutes* of 5 R. 2. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 9. & 31 Eliz. c. 11. prohibiting all entries into Houses, Lands or Tenements, where the entry is given by Law, with *strong hand, or multitude of people, and armed men, but only in peaceable and easie manner*; or keeping *possession* thereof, after *peaceable entry*, by Force; enabling all *Justices of the Peace, to view and remove such force*, and punish those who

who are found guilty of it, *upon Inquest, by fine and imprisonment*; do questionlesse prohibit the entry of our *secluders*, into the Commons House of Parliament, by *strong hand, and multitudes of people, and armed men*, against the usage & Priviiege of Parliaments, garded hitherto, * *Caritate & Benevolentia Civium, non armis.* And their keeping out *the Majority of their fellow Members*, by armed force, and Votes, without any colour of Law or reason but only their Vote therein *Decemb.* 5. may more justly expose them to Fines and imprisonments, than any other forcible enterers into, or detainers of other mens houses, the whole Kingdom being prejudiced and dispossessed in their representatives by these forcible detainers of the *Commons House*.

* Cicero in Antonium,

5ly. The notable (p) *Variance* between their Orders of 1648. & 1649. touching our *suspension* and *seclusion*, wherein they alwaies stile themselves, *The House*, and *This House*, as likewise in the body of their Order *Decemb.* 27. 1659. from their Vote of *January* 5. and their other Papers, wherein they stile themselves, **The Parliament, and the Parliament of the Commonwealth of England, Scotland and Ireland**; and their *Judgement*, the *Judgement of the Parliament*; and from the Act of 17 *Caroli.* c.7. by which they pretend to sit, which only stiles them, the *Commons in this present Parliament assembled, and the House of Commons*; makes their Judgement void to all intents, especially compared with the entry of their own *Journal* by their *Clarke*, *April* 20. 1653. *That they were* **dissolved on that day**, and so have no right now to sit, by virtue of this Act, or to pronounce any *Vote* or *Judgement* against us.

p See Fitzherbert, Brooks, Sheham and Ash Title Variance.

3ly. This Judgement and Vote against us, is void and null by the *Law of Nations*, the very Pagan, Idolatrous *Babylonians*, *Persians*, *Caldeans*, *Romans*, and all other Nations, condemning and sentencing *no person or malefactor whatsoever, but in his presence; it being not their manner, to condemn, or censure* any man, *before he who was accused, had his Accusers brought face to face, and had license to answer for himself, concerning the crimes laid against him, and was legally convicted of them, and had his crimes mentioned in his mittimus*

and

and Judgement, they deeming it **unreasonable**, to imprison or condemn any man, *and not withall to signifie the crimes laid against him:* as you may read at leasure, 2 Kings 25. 6, 7. Jer. 52. 9, 10. Ezra 7 25, 26. Esth. 1. 12, to 22. c. 2. 1. Acts 23. 25. c. 24. 2, to 23. c. 25. 2, &c. 16, 17, 18, 27. *in Alexander ab Alexandro, Genialium Dierum*, l. 3. c. 5. & *Fredericus Lindebrogus, Codex Legum Antiquarum.* This being a principle amongst them, * *Qui aliquid statuerit parte inaudita altera, licet rectè statuerit haud æquus est judex.* And *that all their* * *senators, ought to Vote freely in the senate*; and the *Major Vote to sway.* Therfore our judgment, exclusion, without *accusation, hearing, witnesses, trial*, conviction, behind our backs for our Major Vote, must needs be most unjust and void, if the very Heathens and laws of all Nations be Umpires between us & our Ejectors.

* Seneca Trag. in Medæa.

* Alexand ab Alexandro, Gen. Dierum, l. 4. c. 11. Interrogavit quisque quod placuit; & dissentire, discedere, & copiam judicii sui reip. facere: rutum fuit, consultiones atque dinumerati sunus, vicitque sententia non prima, sed melior & major. C. Plin. Pan. Trajano dictus, p. 145.

Finally, this Judgment and Vote is contrary to, yea void, null by the law of God, (*the* * *righteous Judge of all the earth*,) as appears by comparing it with Num. 35. 30, Deut. 17. 4, to 13. c. 19. 15. c. 16. 18, 19, 20. 2 Chron. 19. 5, 6, 7. John 7. 51. And condemned as unjust, by the President of God himself; "who as he doth not pervert judge-"ment, nor do wickedly, *Job* 8. 3. *c.* 34. 12. but judg-"eth uprightly without respect of persons, 1 *Pet.* 1. 17. "Justice and Judgement being the habitation of his "Throne, from whence he administreth Judgement in "Righteousness, *Ps.* 89. 14. *Ps.* 9. 8. So he alwaies pleads "with Malefactors, and judgeth them face to face, E-"*zech.* 20. 35. Thus he proceeded against and judged "the very first Offenders, *Eve Adam*, and the *Serpent*, for "the first offence in the world after the Creation, sum-"moning all three of them before him, and impeach-"ing and hearing their Answers to his Charge, and last "of all giving a particular judgement against each of "them according to their Offences, *Gen.* 3. 8, to 20. as a President for all other Judges to imitate. "And thus "God and Jesus Christ will proceed in the last general "judgement of the whole world, when all Mankind and "every Person good or bad, from the Creation till the "worlds expiration, shall be summoned and personally

* Gen. 18. 25.

stand

"stand and appear before the judgement Seat of God and "Christ, where every one of them shall give a particular "account of himself to God, of whatever he hath done "in the Body, whether it be good or evil, (and we and "our Secluders too amongst the rest) and be judged ac-"cording to their works, and receive a particular sen-"tence of Condemnation or Absolution, as *Eccles.* 12. "14. *Mat.* 25. 33, to 46. *Rom.* 14. 10, 11, 12. 2 *Cor.* 5. 10. "*Rev.* 20. 12, 13. *Mat.* 12. 36. *Rom.* 2. 1 2, 3, to 13. resolve.

Upon all which premises we conclude, the Votes & Proceedings against us by our Fellow-Members, to be erroneous, injurious, unrighteous, nul and void to all intents; And if they and the Army-Officers, for want of Law, Reason, Presidents, shall still endeavour, (as hitherto) to make them *valid*, and obligatory to us and those we represent, only by *Club-Law* and violence; We shall then conclude, as the *Lords* and *Commons* (and most of themselves heretofore,) did in their *Declaration* of *August* 4. 1642. against the King and his forces, who were never guilty of so high a violation of our Privileges, as those now sitting. *If the King may force this Parliament* (by demanding only 6. *Members* of it, and our Secluders now by excluding above 200. at once by force and Arms) *we may bid farewell to all Parliaments from ever receiving good by them. And* **if Parliaments be lost, the People are lost, their Laws are lost, as well those lately made** (for Triennial Parliaments, and the continuance of this, against the Council-Tables *Extravagances*, &c.) **as in former times; which will be cut in sunder by the same Sword now drawn for the destruction of this,** (by ours and others forcible seclusions.) *Then if they will not come and help the Parliament, and save themselves, though both they and we must perish*, **yet have we discharged our Consciences, and delivered our Souls, and will look for a Reward in Heaven; should we be so ill requited upon Earth by those of whom we have so well deserved: which we cannot fear, having found upon all occasions such real Demonstrations of their Love and Affection, and of their right understanding**

* Exact Collect. P. 496.

standing and apprehension of our and their common Danger, especially now, that the Question is so clearly stated.

We shall only subjoyn 3. Considerations more in point of Law and prudence, arising from our forcible seclusion and exclusion by the minority of our fellow Members.

1. That both Houses, and most of themselves have declared in their *s Declaration* of 23. Octob. 1642. that the *raising of forces only to force some particular Members of this Parliament*, (as the 6. impeached by the King) *to be delivered up*, and secluded the House, *is a levying war against the Parliament; For to raise an Army to compell the Parliament to expose these Members to the fury of these wicked Counsellors, that thirst after nothing more, than the ruine of them and the Commonwealth; What can be more evident, than that the same is levied against the Parliament?* For, did they prevail in this, then by the same reason they might demand twenty more; and *consequently*, never rest satisfied, untill their Malice and Tyranny did devour all those Members they found crosse and opposite to their Lewd and Wicked designs. *And so* by depriving the Parliament of their Members, destroy the whole Body. That *both Houses in their Votes of* 20 Maii 1642. resolved, *That the levying war against the Parl.* is Treason; and whoever *shall assist the King* (though the chief Member and *n* head of the Parliament, much more then any inferior Members of it) *in such a Warr*, are Traytors, by the Fundamental Laws of the Kingdom, *and have been so adjudged by two Parliaments*, 11 R. 2. 1 H. 4. and ought to suffer as Traytors. Which Votes were seconded by many *x* Ordinances, for sequestring and confiscating the real and personal estates of all Members of Parliament, and others, who sided with the King and his Forces against the Houses of Parliament; by the condemnation of *Mr: Waller*, and execution of *Mr. Tomkins*, and others, as TRAYTORS *y for conspiring to seise several Members of both Houses, by force of arms, under a pretence of bringing them to justice, by a Commission from the King, dated* 16 March 1643. though they actually

s Exact Collection. p. 650, 655, 657.

t Exact Collection, p. 259, 260.

u Modus Tenendi Parliamentum, Cooks 4 Instit. c. 1.

x A Collection of Ordinances, p. 13. 14, 33, &c.

y A Collect o. p. 200, 201.

ly attempted not to seise any Member. By the proceedings against the * Members of both Houses *deserting the Parliament, under pretext, that they were forcibly driven away from Westminster* by seditious Tumults and imposed traytorous Oaths, summoned to meet at *Oxford* by the *Kings Proclamation* of Jan. 29. 1643. *where 49. Members of the Lords House, and 175. of the Commons House assembled, and sate in Council with the King; and yet for levying war against the majority of the Parliament, and both Houses sitting at Westm.* they were are all of them *sequestred*, and after several summons, discharged to sit in either House by a special *Ordinance*; & (z) *some of the said Lords*, together with the *King* himself, *condemned and executed* as Traytors for levying war *against the Parliament, and majority of the Members*, at a great distance, not personally in or at the House doors, without securing or secluding any *Members* or interrupting their sitting in the House by armed forces. If then it were high Treason in the *King* and his party to raise forces to demand and secure but 6. Members of both Houses by force; and for the minority of the Lords and Commons house, to levy war against the majority of the Parliament only at a distance, for which they were thus sequestred, condemned, executed as Traytors, even by those now sitting, as well before as after our seclusion; we refer it to their own Consciences, Judgements, and the whole Kingdom to determine, whether it be not a higher and worser Treason & levying war against the Parliament, for them, being but the Minority of the House and Members, to engage and order the very * forces raised against the King and his party, to gard and defend the Members of both Houses, to sit and vote with freedom and safety, by armed force to secure and imprison above 40. Members at once, and to seclude above 300. more by their Commands, being the minority of the House, at the House doors, and suppress the whole House of Lords three or four times one after another, after their executions and sequestrations; and what punishment such unpresidented offences demerit, should we demand justice against them

* A Collection p. 452, 453, 454, 455, 513.

z See the 2d. part of the History of Independency, and their Declaration of 17 March 1648.

* A Lawyer now sitting, lately used these words of the secluded Members, 'That they 'would still 'keep them 'out perforce, 'and hold 'their Noses 'to the Grind-'stone, because 'they had 'the Army 'on their side.

them for it, after so many provocations, and not willingly pretermit it upon their repentance and satisfaction, for the publick peace and settlement in the midst of our present Distractions, upon their voluntary admission of us, without any of their new Engagements on our Consciences, to discharge our Trusts, and prevent the ruine of our three Kingdoms, by their rash and dangerous Counsels.

2ly. That their own Votes, Publications, and censures against the Army-Officers, as well Members as others, who forcibly excluded and dissipated themselves beyond expectation, *April* 20. 1653. and *October* 13. 1659. (a just, divine retaliation, for secluding their Fellow-Members) which they deemed both tyrannical, yea treasonable in them, and demeriting expulsion out of the House, in Sir *H. Vane*, and others of their own *Members*, who gave a subsequent assent thereto, will now recoyl upon themselves with infinit disadvantage, and draw some new (*a*) *exemplary punishment of God upon them for their new forcible seclusion and ejection of us*; they being but 60 at most, and we near 200. they having* violated their Trusts, Protestation, Covenant, and the privileges of Parliament, which they were obliged constantly to maintain all their daies, without defection or Apostacy, by our former exclusions and ejection, and we having done neither, but only endeavoured inviolably to preserve them by our Vote, and claims to sit in the House: They keeping up the same armed Gards, as their only security to sit, which secluded us heretofore, and now, & twice ejected them; and we desiring no other Gards, but those (*b*) *Pliny* (*c*) *Seneca*, d *Tully*, inform us to be the best and safest of all other, our *own Innocency*, and the *Peoples love* for whom we serve, remembring that of *Pliny* to the good Emperor *Trajan*, *Quanto autior, quanto securior eadem domus postquam ejus non crudelitatis, sed amoris excubiis, non solitudine & claustris, sed Civium celebritate defenditur? Frustra se terrore succinxerit, qui septus caritatem non fuerit*; **Armis enim arma irritantur**, (as we have found by sad experience) *Unum est inexpugnabile munimentum, amor Civium*; which they will never gain, but lose and forfeit by our unjust seclusion, and expulsion.

a Rom. 2, 1, 2, 3. Prov. 24. 21, 22. Obad 15. 16. Judg. 16. 8. Rev. 13. 10.

* Cooks 11. Rep. f 93, 99.

b Pan. Trajano dictus, p. 93 & Lipsius commentar. Ibid. p 94.

c De Clementia, l. 54.

d In Antonium.

3ly. That

3. That it is a *Maxime* in Law, inserted into the very Writs of summons to Parliaments (*e*) Claus. 23 E. 1. m. 4. dorso, as a *most just*, and *provident* Law, established by all prudent pious Princes, and the very reason and ground of all Parliamentary assemblies, **ut quod tangit omnes ab omnibus approbetur.** Hereupon our Judges and (*f*) *Law-Books* resolve, that general *Acts* made, and *Taxes* granted in and by Parliaments, **oblige all men,** *upon this only account* and reason, **because all** *Counties, Cities, Boroughs and Ports, are parties and consenters to them in Parliament, in and by their Knights, Citizens, Burgesses and Barons, impowered with full and sufficient Authority* for themselvs, and the Commonalties of the said *Counties, Cities, Boroughs and Ports, by their Indentures and Retorns, to consent to, and do whatever shall happen to be ordained in Parliament by common council*; as the last clauses in the Writs for Elections, with their *Retorns* and *Indentures* resolve; and for want of which power, and *Representatives*, if secluded, no Acts can be passed, no Taxes imposed on them that are obligatory. And upon this very ground, *the Statutes* of 25 E. 1. c. 5. 8. & *De Talligio non Concedendo*, c. 1, 2. 14 E. 3. Stat. 1. c. 21. Stat. 2. c. 1. 15 E. 3. Stat. 2. c. 1. Stat. 3. c. 5. 21 E. 3. rot. Parl. n. 16. 25 E. 3. rot. Parl. n. 16. 27 E. 3. Stat. 2. c. 2. 36 E. 3. rot. Parl. n. 16. 38 E. 3. c. 2. 38 E. 3. rot. Parl. n. 40. 51 E. 3. rot. Parl. n. 25. 11 H. 4. rot. Parl. n. 50. The Petition of Right, 3 Car. and the Statutes of 17 Car. c. 1. 8. 12. made at the begining of this Parliament, do all enact, declare and resolve, in precise words; That no *Tax, Tallage, Ayde, Subsidy, Loan, Customs, Imposition*, or other *Assessment whatsoever*, shall or may be *imposed, or levyed on the Subjects*, **without common consent of the Lords and Commons in full Parliament, by Act of Parliament:** And those now sitting in their printed Paper, *Octob.* 11. 1659. Intituled, *An Act against the raising of Monies upon the people*, **without their consent in Parliament**; enact, *That no person or persons shall after the* XI. *of October* 1659. **Assess, Levy, Collect, gather or receive any Customs, Impost, Excise, Assessment, Contribution, Tax, Tallage, or any Sum or**

(e) Register of Parliamentary Writs, part 1. p. 6.

(f) 39 E. 3. 7. 2 R. 3, 11. 8 H. 6. 34, 35. 4 H. 7. 10. 17. 1 Jac. c. 1. Brook Parl. 16, 40. 41, 98, 101. Cooks 4 Instit. c. 1.

Sums of Money, or other Imposition whatsoever, upon the people of this Commonwealth, without their consent in Parliament or as by Law might have been done before the third of Novemb. 1640. *And it is further enacted and declared*, That every Person offending contrary to this Act, shall be, and is hereby adjudged guilty of High Treason, and shall suffer, and forfeit as in case of High Treason. If then they shall forcibly seclude, not only the whole *House of Lords*, but the *Majority of the Knights, Citizens and Burgesses*, out of the Commons House, as now they do, most Counties, Cities and Boroughs of *England*, having not so much as one Knight, Citizen or Burgesse, to represent them, being all forcibly excluded, or dead, they being not a fifth part of the House, (who could never legally impose any Tax upon the people, before *Nov.* 3.1640. nor since, as all these Acts, with * sundry other Records and Law-Books resolve) they can make no Laws, Orders, Ordinances, that are binding, nor impose the least Tax, Tallage, Imposition, Excise, Contribution, or any other payment whatsoever, upon the people of this Nation, much lesse upon us, whom they thus forcibly exclude, and those Counties, Cities and Boroughs for which we serve; nor any person or persons levy them, without incurring the Crime, Penalty, and forfeiture expressed in their own *late Act*, it being a received *Maxim* amongst all Politicians, Lawyers, Nations (*b*) *Populi Minor pars, populum non obligit*; and that nothing is or can be said to be done, or acted, by *the Common Council and consent of the people in full Parliament, by Act of Parliament*, which is done and acted only by the Minor part of the Commons House, when the greatest part of the Members of Parliament, are *forcibly secluded*, or *driven thence* by armed violence, especially by the commands and conspiracy of the Minority of their fellow-Members; our present case and condition, which we represent, to the whole Nations serious consideration, and of a full and free Parliament, as thus *stated* in matter of *Fact*, and debated in point of *Law*, for our *necessary Vindication*, and theirs we re-

* Cooks 2 Instit. p. 530, to 536 Mr. Hacwels, Judge Huttons, Crooks, and Mr St. Johns Arguments & speech against Shipmony and Impositions.

h Grotius de Jure Belli, & Pacis, l. 2. c. 15. sect 3. Alex. ab Alexandro, Gen. Dierum, l. 4. c. 11.

represent; and to our *Secluders* second thoughts: Who having in their fresh * *Declaration* of the 24. of this instant *Jan. published, That their intentions are, and that they are resolved, (through the Goodnesse and Assistance of God) to remain in constant and immovable, That the People of these Nations may be governed from time to time by* **Representatives** *in* **Parliament chosen by themselves**, *in whom alone the Supreme Authority of these Nations doth and ought to reside; and that* **they should be governed by the Laws**, *and that* **all Proceedings** *touching the* **Laws Liberties, and** * **Estates of the free People** *of this Common wealth*, **shall be according to the Laws of the Land**: *It being their principal care to provide for the freedom of the people, against all arbitrarinesse in Government; And that it is one of the greatest cares they have upon them,* **how to give the people that ease from their present Burthens, which** *their impoverished* **Condition calls for.** We hope they will not immediately violate it in the case of us, who are their Fellow Members, the Majority of the House, and the *Representatives of the greatest part of the people*, intrusted and chosen by themselves, who earnestly press our *free admission*, by secluding us against all rules of Law and Justice, and imprisoning those * *Gentlemen* and Freemen sent up with * Letters unto them from the *several Counties* and places we represent, *to demand our speedy restitution to our trusts, as the only means to redresse their many insupportable Grievances, and by Gods blessing to reduce them to a firm, free and legal settlement of their Rights.* And by imposing on the whole Nation (in their miserably exhausted condition, and want of Trade) and us their excluded Fellow-Members, and those many Counties, Cities and Boroughs we represent, a Monthly Tax of one hundred thousand pounds a month, for six months time, to begin from *December* 25. last, without and against our privity and consents; especially after their enforcing the people to pay a whole years Contribution within three months space, contrary to the first Grant thereof, under the late Protector, upon their first convening in *May* last, during those

* page 8, 9, 10. 14.

* The seizing of 4500. pounds ready money by Armed Troopers and Souldiers in Mr. Nodes, a Citizens house in Pauls Church-yard at 12. of the clock at night, the 27th. of this January, and carrying it away by order from White-Hall, is a memorable performance of this Declaration.

* Sir Robert Pye, and Major Fincher.

* See the Letters from the Counties of Cornwall, Devon. Berks, Glocester, Northampton, Suffolk, &c.

these very 6. Months space, they paid before hand, on which they now tax them afresh, higher than ever the old Parliament, or their new Protectors, or any Kings of *England* in former times have imposed; an oppression not to be presidented in any age. And all to pay forces to keep us out of the Houses, and support themselves in their usurped * Parliamentary power, and discharge those Debts, their own extravagant Councils and Actions (in not hearkning to our Vote for which they Excluded us) have contracted, only to make us more miserable, base, slavish, unsettled than ever heretofore.

* The highest & worst of Tyrannies and Treasons.

Upon the whole matter which we have truly stated, and debated (though with some Distraction, and Interruption) in our own behalf, and of those Counties, Cities and Boroughs by whom we were elected, and whom we have faithfully served in Parliament, according to their trusts reposed in us; we do *appeal* from the *Armies unjust force* and *illegal* violence, and from the unpresidented, generall unreasonable, unparliamentary Votes and Judgements of a few of our *dissenting Fellow-Members*, procured by the force and demands of the Army, and passed by parties behind our Backs, during our forcible seclusion, only for our free Vote in Parliament, when they and the Commons of the whole Kingdom were involved therein by the resolution of the *Majority of the House*, unto the impartial Judgement of a *full* and *free Parliament*: and in the mean while we do claim the benefit of our Laws, and especially of the *Great Charter*, *the Petition of Right*, and the good Acts made in the beginning of this *Parliament*, (after so much Blood and Millions of our Treasure expended) for the protection of our Persons, Estates, & Liberties, and of those we represent, against all arbitrary *Proceedings*, *Votes*, *Impositions*, *Taxes*, and armed violence of our Secluders, or their forces, that whereas by the * *Ordinance of God*, the *Sword is given to the Magistrate, only for the punishment of evil doers, & for the prayse of them that do well*, we nor any of us who are quiet in the Land, and accountable to law, wch is our *Birth-right*, may not be *hunted* or *seized* by *Souldiers*, for

* Rom. 13. 2, 3, 4. 1 Pet. 2. 14.

for our former Vote, and observing the *Declarations* and Remonstrance of this Parl. the *Protestation*, *Solemn League and Covenant*, and other Oaths which lawfull Authority have ingaged us in, (and our *Secluders* joyntly with us, and the Army-Officers too) and in the consciencious observance whereof we hold our selves obliged to live and die.

And having nothing (if we know our own hearts,) in our thoughts or endeavours, but that the true reformed *Religion* may be preserved and flourish; the Plots of *Jesuits* and Romish Emissaries prevented; the Privileges, Rights, Honour, and Splendor of Parliaments vindicated and restored, the Laws and Liberties of the Kingdom cleared, rescued, and preserved from arbitrary violations, a due regard had to *tender Consciences*, intollerable publick burthens eased, as comprehensive an Act of *Oblivion* and *free Pardon* past, as will stand with publick safety, honour and justice; Trade in City and Country restored, the increased swarms of starving Poor relieved and imployed; just Debts and Rewards both to *Souldiers*, *Purchasors*, and others satisfied and secured, and these ruined *Kingdoms* happily established upon lasting Foundations of Truth, Righteousnesse and Peace; now we have cleared our selves to the world, and those who have entrusted us, we can patiently attend Gods future dispensations; yet should be very glad, that as a *few of the faithfull Nobility, when the Kingdom was in much lesse danger, were judged so considerable, as to prevail with the late King to follow their advice, for the calling of this Parliament in* 1640. So in this time of the greatest dangers and difficulties, that these 3. *Nations* and the *Protestant cause* throughout the world, ever wrestled or contended with, there may not be found amongst us, a generation of men, who for *filthy lucres sake*, particular groundlesse fears, apprehensions of *losse* or *suffering*, *guilt*, *self-seeking*, *ambitious aims of Dominion over*, *or envy*, or *revenge* against their *Brethren*, or *pretended self-preservation*, shall continue our *confusions* and *calamities*, and as *Vipers* gnaw out the bowels of their native *Country*; and because of a little *present power*, in their

* Exact Collection, p. 13.

their hands (which like *Jonahs* gourd they see by sensible experience may wither in a day, or be turned against them,) harden themselves against the safe, sober, and Christian Councils of so many of the Nobility, Gentry, Ministry and Commonalty of all Callings and Degrees, as of necessity must conceive themselves, for the safety of the Nations, or perish with them, obliged to endeavor that the great *Council* of this Nation, (by the advice of so many persons of Interest and Quality) may be suffered to sit free of *force* or *guards*, but of their own appointment, and dead places filled up by new election, untill a *free Parliament*, according to the *triennial Act*, may be called and convened without interruption or prælimitations. That so by sober, discreet, peaceable, impartial, full and free Councils, these three languishing divided Nations, and the City of *London* (the Metropolis of this Empire) may be restored to their former renown, honour, peace, unity, prosperity and trade, the two great Pillars of *Magistracy* and *Ministry*, vindicated from contempt and violence; and thereby a stable Settlement obtained both in *Church* and *State*, to the rejoycing of all that truly fear God at home, and the reviving and preservation of the reformed *Churches* abroad, almost totally ruined, and become a prey to the *common* enemy, by our *and their unchristian divisions.*

Alexander ab Alexandro, Genial. Dierum, l. 4. c. 11. *Erat igitur Senatoris Officium, tam de promovendis Magistratibus, provinciisque administrandis, quam de bellis, triumphis, supplicationibusque decernendis, deque præsidiis in provincias, & auxiliis submittendis, de lege, de fœdere, & pactionibus, ac tota gerenda rep.* **libere sentire, ac factem constantemque sententiam dicere.** *Et si duæ Senatus distinerent sententiæ, cum aliud alii censerent,* **Id quod Senatus maxima pars decerneret, id ratum fieri** *annotatum est.*

An

An exact *List* of the secluded Members names still living and those refusing to sit, till their restitution, to undeceive the *Nation* and *World*.

THe Earl of *Ancram*
Sir *Ralph Ashton* Kt.
Arthur Annesley Kt.
William Arthington
John Arundel
Mr. *Ascough*
Sir *John Barrington*
Sir *Thomas Barnardiston*
Sir *Robert Benloes*
Sir *George Booth* Kt.
Sir *Humphrey Bridges*
Sir *Ambrose Brown* Kt.
Sir *Roger Burgoin* Kt.
Francis Bacon
Nathaniel Bacon
Edward Bainton
John Barker Alderman
Maurice Barroe
William Bell
Alexander Bence
Col. *John Birch*
Edward Bisse
John Bond Doctor of Law
John Bowyer Kt.
John Boyes Kt.
Major *Brooks*
Major General *Brown*
Samuel *Brown* Serg. at Law
Francis Buller
Iohn Bunckly Kt.
Hugh Buscoen Kt.
Iohn Button
Sir *Henry Cholmley*
Sir *Iohn Clotworthy*
Sir *Iohn Corbet* Kt.
Sir *Iohn Curson* Kt.
Iohn Carew
William Current
Colonel *Ceely*
Robert Clives
Elias Crimes
Lionel Copley
Iohn Crew
Sir *Thomas Dacres* Kt.
Sir *Francis Drake*
Sir *William Drake*
Thomas Dacres
Iohn Doyle
Mr. *Francis Drake*
Sir *Iohn Eveling* of Surrey
Sir *Iohn Eveling* of Wilts
Sir *Walter Earl*
William Edwards
Robert Ellison
Richard Erisy
George Eveling
Mr *William Fenwick*
William Lord *Fitzwilliams*
Sir *Edmund Fowel*
William Foxwist
Iohn Francis
Iames Fiennis Kt.
Nathaniel Fiennis
Iohn Fiennes
Sir *Gilbert Gerard* Kt.

Sir *Harbottle Grimston*
Samuel Gardiner
Francis Gerard
Thomas Gewen
Iohn Glynne Serg. at Law
Samuel Gott
Thomas Grove
Sir *Richard Haughton* Kt.
Sir *Iohn Holland*
Col. *Edward Harley* Kt.
Major *Harley*
Thomas Hatcher
Iames Herbert
Peregrine Hobby
Thomas Hodges
Denzil Hollis
Francis Hollis
George Horner Kt.
Edmund Hoskins
Henry Hungerford
Colonel *Hunt*
Sir *Anthony Irby*
Richard Jennings
VVilliam Iones
Sir *Norton Knatchbull*
George Keckwich
Richard Knightly
Sir *Iohn Leigh*
Sir *William Lewis*
Sir *Martin Lister*
Sir *William Litton* Kt.
Sir *Samuel Luke*
Henry Laurence Kt.
Colonel *Lee*
Mr. *Lewis*
Col. *VValter Long*
Col. *Iohn Loyd* Kt.
Mr. *Lucas*
Mr. *Luckin*
Sir *Thomas Middleton* Kt.

Iohn Mainard Serj. at Law.
Mr. *Christopher Martin*
Major General *Massey*
Thomas Middleton
Thomas Moor
William Morris Kt.
George Montague
Col. *Edward Montague* Kt.
Sir *Robert Napper*
Sir *Robert Nedham*
Sir *Dudly North* Kt.
Sir *John Northcot*
Mr. *Nash*
John Neltbrop
John Nixon Alderman
Mr. *North*
Col. *Norton* Kt.
Sir *Richard Onslow* Kt.
Mr. *Onslow*
Arthur Owin Kt.
Henry Oxinden
William Owfield
Sir *John Palgrave* Kt.
Sir *Philip Parker* Kt.
Sir *Thomas Parker*
Sir *Edward Partridge*
Sir *John Pellam*
Sir *William Platers*
Sir *John Potts* Kt.
Sir *Nevil Poole*
Sir *Richard Price* Kt.
Sir *Robert Pye*
Robert Packer
Henry Peck
William Pierpoint
Edward Poole
Col. *Alexander Popham*
Mr. *Potter*
Thomas Powy

Wil-

William Priestly
William Prynne
Sir *Frances Russel* Kt.
Mr. *Ravinscraft*
Mr. *Ratcliffe*
Charles Rich
Col. *Edward Rossiter*
Sir *Beachamp Saint-John*
Sir *John Seymor* Kt.
Sir *Thomas Soam*
Robert Scawen
Mr. *Scut*
Col. *Robert Shapcot*
Col. *Shuttleworth*
Mr. *Springate*
Mr. *Simon Snow*
Henry Stapleton
Edward Stephens
John Stephens
Nathaniel Stephens Kt.
John Swinsen
Col. *William Stroud*
Mr. *Shuttleworth*
John Spilman
Sir *John Temple*
Sir *Thomas Treavor*
Mr. *Temple*
Mr. *Thistlethwait*
Samuel Terrick
Edward Thomas
Esaia Thomas
John Thinne
Richard Tolson Kt.
John Treavor Kt.
Tho. Twisden Serj. at Law.
Samuel Vassal
Edward Vaughan Kt.
Edward Vaughan
Sir *William Waller*
Tho. Viscount *Wenman* Kt.
Sir *Henry Worsly*
Thomas Waller Esq;
William Wheeler
Col. *Whitehead* Kt.
Henry Willes
Capt. *Wingate*
Mr. *Winwood*
William Wray
Richard Wynne Kt.
Sir *John Young.*

In all 194. besides above 40. secluded Members, now dead since 1648. whereof many were Knights of Counties, and of these yet living, 37. are Knights of *Shiers*, with *Kt.* added against their names.

Upon an exact view of the Members now sitting, or which are permitted to sit, if they were all present, being about 89 in number, there are not above 16. *Knights of Shires*, 7 *Citizens*, and the rest *Burgesses*, whereof seldom 50. appear at once together: the excluded and deceased Members being also considered, it will appear, that the House of Commons consisting by right of 508 Members: whereof there are 78 Knights of Shires for *England*, and 12. for *Wales*: There are no Knights of the shires sitting in the House for these 26 *English* and 11 *Welsh* Counties following, Besides there are no *Citizens* sitting for 14 *cities* following, *viz.*

Bedfordshire	*Cambridgeshire*	*Devonshire*
Cornwall	*Derbyshire*	*Dorsetshire*

Ess:x

Essex	Surrey	Cardiganshire
Glostershire	Shropshire	Carmarthenshire
Hertfordshire	Southampton	Carnarvonshire
Herefordshire	Suffolk	Denbighshire
Lincolnshire	Somersetshire	Flintshire
Lancashire	Sussex	Glamorganshire
Middlesex	Westmorland	Pembrockshire
Monmothshire	Warwickshire	Mountgomeryshire
Norfolk	Yorkshire	Radnorshire
Northumberland	Anglesey	
Oxfordshire	Brecknock	

And but 1 Knight of the Shire in each of the nine following Counties.

Berkshire	Kent	Staffordshire
Cheshire	Leicestershire	Wiltshire
Huntingtonshire	Northamptonshire	Worcestershire

And only the full number, of Knights of the Shire in *Buckinghamshire Nottinghamshire, Rutlandshire, Merionethshire.*

York	Exceter	Carlisle
Westminster	Oxford	Rochester Wells
Bristol	Lincoln	Coventry
Canterbury	Worcester	Have no Citizens
Chester	Chichester	in the House.

And but one of the 4 for *London*, 1 for *Norwich*, 1 for *Bath*, *Glocester* and *Salisbury* alone of all the Cities in *Engl.* having their full number. And there will also appear now wanting & excluded about 313 *Burgesses* and many of them of the principal *Burroughs* in *Engl.* so that the whole number now permitted to sit is about 89 and the whole number excluded or wanting, 400 besides the Lords. So that upon an indifferent calculation and survey, there will scarce the 10th part of the Commons be found at this time to have Members representing them in Parliament, and yet these take upon them to act, enact and impose, *Taxes not only as a whole Commons House, but as as an absolute, full and compleat Parl. of *England*, yea of *Ireland* and *Scotland* besides. whose *Parliaments* they have quite swallowed up, and monopolized to themselves. imposing Taxes on them, which no English Parliament ever did.

*And that not only on the Laity, but Clergy too: who cannot legally, and were not formerly Taxed, but only by their own free grant and consent in convocation.

C. Plinii Pan Trajano dictus Melius omnibus quam singulis credituri singulis eum decipere & decipi possunt; nemo omnes, nemineni omnes fefellerunt.

FINIS.

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